

TOWN OF PATTERSON
PLANNING BOARD MEETING
December 6, 2007



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12)	Minutes	90	October 18 th , October 25 th , November 1 st , November 15 th Minutes Approved

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PLANNING & ZONING OFFICE**

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PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria Di Salvo
Charles Cook

**Planning Board
December 6, 2007 Meeting Minutes**

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

APPROVED

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Gene Richards with the Town Engineer's office, Stantec Consulting Services Inc, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector and Anthony Molé, from the Town Attorneys Office, Curtiss, Leibell and Shilling P.C.

The meeting was called to order at 7:30 p.m.

Michelle Russo was the secretary and transcribed the following minutes.

There were approximately 18 audience members.

Chairman Rogan led the salute to the flag.

1) CINGULAR WIRELESS/MALDUNN SITE – Public Hearing

Mr. Neil Alexander of Cuddy & Feder, Mr. Naish Aratiaz and Ms. Gerry Knuffke of Millworks, Inc. were present.

Chairman Rogan stated thank you please be seated. Can I ask the Secretary to please read the public hearing notice for Cingular Wireless.

The Secretary read the following notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, December 6, 2007 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Cingular Wireless/Millworks Site Plan to allow the construction of a new telecommunications tower. The property is located at 2022 Route 22, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated we have the applicant or his professionals, please. Do you have anything you can put up a diagram.

Mr. Alexander stated I'll come up closer. I don't know if anyone is actually here for it, Chairman.

Chairman Rogan stated of course they are, sure, of course.

Mr. Alexander stated (inaudible).

Chairman Rogan stated we have our faithful people here tonight.

Mr. Alexander stated it is different then when we were in front of the Zoning Board of Appeals getting our use and area variances for the project when no one actually showed up. That is why I am a little surprised. Essentially this is the Maldunn Associates property.

Chairman Rogan stated want to use the microphone please and state your name for the record.

Mr. Alexander stated sure, for the record my name is Neil Alexander partner in the law firm Cuddy and Feder, here on behalf of AT&T formerly know as Cingular Wireless formerly known as AT&T Wireless.

Chairman Rogan stated thank you.

Mr. Alexander stated we kind of went full circle. In any event the application is pretty basic, we spent several months from of the Zoning Board of Appeals, we obtained a use variance to develop a wireless facility on this property and we obtained an area variance as to the 150 foot height of the monopole we are proposing. There really are only two elements to the project, there is a 65 foot by 40 foot fenced equipment compound, in it Cingular will be putting its equipment on a.

Board Member Pierro stated it is the same copy.

Chairman Rogan stated one is blown up.

Board Member Pierro stated I left my map at home.

Mr. Alexander stated Cingular will be putting its equipment cabinets which are like small refrigerators in size, on a concrete pad and what you also see here is since we've designed in the approval we obtained was a co-locatable tower. 150 feet for Cingular, 140, 130, 120, available for other carriers, as shown, and actually isn't about three feet off but its 147, 137, 127, 117, 107 and 97 for future carriers, what we did in our initial layout was we knew that Cingular would use as the anchor and had a need for 150 foot height and then we sort of laid out the equipment area for three more carriers, anticipating 137, 127, and 117 as height. Beyond that, obviously each of those carriers is going to come back for its own approvals from the Town but beyond that we didn't feel it was warranted to design the equipment area at this time for those carriers that may or may not come in. As you know there has been a lot of consolidation in the industry so basically this is Cingular, Verizon, Sprint/Nextel, T-Mobil and that is pretty much how we designed our arrays and thought through the process. That is really all there is to the application, I saw that there had been correspondence between our landlord and the Town, which we have not been a part of, I don't know if they have a representative here tonight. Originally Mr. Dunn, who is the head of Maldunn Associates, would be here but he got pulled out of town, but I did see those correspondence and I am going to let Rich

speak to him, it looks like he and the Code Enforcement Officer were talking with representative from Maldunn.

Chairman Rogan stated does anyone from the audience from the have any comments or questions with regard to this site plan.

Mrs. Edie Keasbey stated did he say where it was.

Chairman Rogan stated the address.

Mr. Alexander stated the address is 2022 Route 22, Maldunn Associates.

Chairman Rogan stated its referred to as the Viking Building, is that what they used to call it.

Rich Williams stated US Plywood.

Mrs. Edie Keasbey stated okay.

Chairman Rogan stated Us Plywood, across the street from the carpet facility.

Mrs. Edie Keasbey stated thank you.

Chairman Rogan stated okay, any questions or comments from the audience. Ron can you please use the microphone. Edie got away with it but we have to get back on track with you.

Mr. Ron Taylor stated yeah, I just wanted to know on the array, what kind of arrays, are you showing what the tower is going to appear as with its arrays, there is nothing attached to the tower.

Mr. Alexander stated yes, completely internally mounted, a flagless flag pole.

Mr. Ron Taylor stated that is what I wanted to know.

Chairman Rogan stated anyone else, can I have a motion to close the public hearing.

Board Member Montesano stated motion to close the public hearing.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay, so we are done with the public hearing. The information that we got from the landlord and the conversations with Mr. Raines. Mr. Raines seems to indicate that he didn't believe that there would be any problems that he couldn't overcome at a later date, meaning any Code violations or fire hazards, or safety concerns and that is fine, that is what, we were looking for opinion from him and that is his opinion. What the Planning Board wanted or is looking at with this is the landlord listed the uses on the property for some of the other buildings, now this really has nothing to do with the cell tower as you understand.

Mr. Alexander stated right.

Chairman Rogan stated some of the uses the way that they exist, are not uses that the Planning Board would approve, traditionally approve the way that they exist. We have applications here tonight where they put in say garage or storage of vehicles, storage of equipment where we require bathrooms for instance because even though they may be able to walk to another building we want them to have the bathrooms accessible. As one of the Board Members had mentioned, it is one thing to walk to another floor of the building but to actually go outside and walk up and around the site to go to the bathroom is not very good planning. Another aspect, I know they answered questions about the drums that they were cleaning out and how they would handle the liners and that seems to be pretty straight forward at this point but Rich do you want to talk to any of these issue or how we can communicate with the landlord as to how we can move forward with this site plan.

Rich Williams stated I guess my first issue is you know, are you, is it the Board's intent to separate the two site plans.

Chairman Rogan stated is the feasible, are we allowed to do that.

Rich Williams stated Anthony is saying yeah.

Chairman Rogan stated yeah.

Rich Williams stated I am not.

Anthony Molé stated the concern obviously of the Board's is if that you approve this site plan, you don't want to approve this site and thereby de facto approve whatever else may be going on the site. If you handle it as two separate site plans and clarify that the issues on the other site plan are not be addressed in this site plan, then you should be able to move forward with this one and address the other one at the same time.

Chairman Rogan stated because the concern would be what is impetuous for the land owner to come back to us other than a violation on the site for not having site plan approval, so that would be my only concern. That we would to make sure that we are continuing on this process, if we separate the two and do an approval on the, part of the project for the site plan of the tower, how do we get the other things resolved.

Board Member Pierro stated is there any bond, any bond required to put up the cell tower.

Rich Williams stated generally we are going calculate out a bond amount.

Board Member Pierro stated can we connect, is there any connectivity to the two.

Rich Williams stated no.

Board Member Pierro stated no, so I think we are.

Chairman Rogan stated no.

Board Member Pierro stated interesting.

Chairman Rogan stated so the only way to, would be by issuing a violation if they don't come in. I think I would want to hear from the owner though, it is a shame that they are not here tonight.

Mr. Alexander stated can I speak to that, even though I don't represent the owner, I mean I think that we can all acknowledge that you raised an issue and they have worked with you to date. I mean I don't represent them, I don't speak for them but as a sort of less then objective bystander here, they have no problem with you and I know its not secret that they just came out of a bankruptcy organization. This money will make a difference for them, the building is only two thirds full, this will make a difference.

Chairman Rogan stated right.

Board Member Montesano stated I realize that you are representing your client but your client is not the people we are having a problem with it is you client is trying to prepare us.

Mr. Alexander stated yeah.

Board Member Montesano stated my feeling is how do I get two and bring in front of one.

Mr. Alexander stated but you have several other remedies and measures by which you can get the result you are looking to get. You have many enforcement measures here and I think by the fact of the materials they have put in to date, you have admissions against their interest as to what is going on our there, in writing by which you can put in front of any kind of Town Justice with Enforcement proceedings.

Board Member Montesano stated now in an enforcement proceeding if that whole building was deemed inhabitable because they refused to pay, would that leave you still operating on the property.

Mr. Alexander stated yes.

Chairman Rogan stated yes, it is a stand alone cell tower, so.

Board Member Montesano stated okay.

Chairman Rogan stated Rich, you wanted to.

Rich Williams stated well first off nobody is asked, I was told there would be a representative here but nobody has actually asked the question.

Ms. Knuffke stated excuse me, I am.

Chairman Rogan stated you are.

Ms. Knuffke stated Gerri Knuffke from Millworks, thank you letting me, you guys talk so fast.

Mr. Alexander stated (inaudible) Gerri.

Chairman Rogan stated sorry, I apologize.

Ms. Knuffke stated hi I'm Gerri.

Chairman Rogan stated hi Gerri.

Ms. Knuffke stated Steve could not be here tonight.

Chairman Rogan stated okay, interruptions are always welcome.

Ms. Knuffke stated it is a little hard.

Board Member Pierro stated so do you see the dilemma we are in Gerri.

Ms. Knuffke stated yes, I understand that this all started over a year ago when Mary Spano got involved, she was the facilities manager at the time and I have actually her folder and anything I could find on the project or anything. I am kind of new to it and I apologize for my no knowledge of anything that is going on or anything that got started and didn't complete.

Chairman Rogan stated that's okay.

Ms. Knuffke stated we just want to go forward and get this all resolved so that everything is on the up and up.

Chairman Rogan stated and we appreciate that.

Ms. Knuffke stated thank you.

Chairman Rogan stated and that is exactly what the Planning Board is looking to do, is to prove and codify what uses we can and maybe adjust things that don't meet the Code.

Ms. Knuffke stated okay.

Chairman Rogan stated you know, again having an office use is fine but what we want to do is that when we approve something we want to make sure that it doesn't matter who is using it but that we approve it for something. Then you can bring anyone in, whether it is you know a real estate office or some other type of office use.

Ms. Knuffke stated okay, I think the big issue here was Dutch Boy and I know they have been up there for years, even before we even bought the company. I have been employed by Maldunn Associates for almost 15 years, so its not, they are not a stranger to me, Steve and Rosy, the owner of Millworks Incorporated.

Chairman Rogan stated and in all those years, in the Dutch Boy situation they don't facilities in their, in the space that they use, they don't have bathrooms.

Ms. Knuffke stated no, as far as I know, because our main, Gary Conway is our main maintenance man and he does most of the communications with them and when this came up about the bathrooms. I know I see people come up all the time to use, especially the ladies, they come up and use the bathroom. They have a very small office, its mostly used as storage, so are the other cell block buildings, it is just mostly storage. Dutch Boy is the one with the office outside of our building, outside the main building.

Chairman Rogan stated okay, so the only office outside the main building is the small office for Dutch Boy.

Ms. Knuffke stated yeah.

Chairman Rogan stated and then we have the taxi service garage.

Ms. Knuffke stated yeah.

Chairman Rogan stated so the gentleman has a few taxis there that he also says he does some repairs too, minor repairs to.

Board Member DiSalvo stated yes.

Mrs. Knuffke stated yes.

Chairman Rogan stated the minor repairs would bring into play another issue that we would want to make sure that if he leaves and another customer comes in, they might want to do repair work as well.

Ms. Knuffke stated okay.

Chairman Rogan stated we want to make that the site plan addressed any concerns, especially environmental concerns that are related to repair work. Again, we have sites that are here tonight that are doing minimal repair work that are putting in all kinds of protective measures.

Rich Williams stated Shawn, if I could just remind you, he is operating essentially a mechanics shop which is not permitted in that zoning district, so we have another issue there.

Chairman Rogan stated so they have to be, is that something they can go to Zoning for or is it.

Rich Williams stated yeah.

Chairman Rogan stated a use variance.

Ms. Knuffke stated or we can go back to Al and tell him that he can't do any kind of minor or any kind of repairs at all.

Rich Williams stated if you look at it, it's a very small block building a couple of cars on the outside, I don't even know if there is room inside for a car.

Ms. Knuffke stated it is very small, yeah.

Chairman Rogan stated okay.

Rich Williams stated yeah, and basically the interior is all mechanic tools.

Board Member Pierro stated yeah but occasionally.

Ms. Knuffke stated I haven't been in there.

Board Member Pierro stated in the last couple of times we've been there, there has been sundry car parts, cars being dismantled and repaired and stored outside.

Rich Williams stated right.

Board Member Pierro stated it is beyond, it is well beyond the storage of an occasional taxi.

Rich Williams stated no but my reference was that it is not being used an office or a base of operation really.

Board Member Pierro stated right, right, no.

Rich Williams stated for a taxi service.

Board Member Pierro stated no, it just doesn't make any sense for it to be a base of operations.

Chairman Rogan stated so, lady and gentleman, where do we want to go with this tonight, I mean we've got the concept of splitting this and allowing, I mean our Board seemed pretty comfortable with this aspect and this gentleman's information pretty well resolved our issues with. It is the whole other part of this site that we have to determine what we would like to do.

Board Member DiSalvo stated how would we separate this site plan from the other site plan, this site, do we have to go through more paperwork, do we have to do a resolution on it.

Rich Williams stated the second one is submitted, yeah I do have an application.

Chairman Rogan stated okay.

Rich Williams stated I imagine that we can do it with language within a resolution.

Chairman Rogan stated okay.

Rich Williams stated we had talked about it at the work session, I hadn't prepared a resolution for tonight for anything because we weren't sure which way we were going.

Board Member Cook stated I think we should have.

Chairman Rogan stated please use the, speak up a little bit.

Board Member Cook stated I think that we should have Rich or Anthony prepare a resolution.

Board Member DiSalvo stated or the Secretary.

Chairman Rogan stated that seems to.

Board Member Cook stated and we can put it on the agenda for the first meeting in January there and move along.

Chairman Rogan stated okay.

Rich Williams stated and hopefully in the in term we can wrap up all the other issues.

Board Member Cook stated correct.

Anthony Molé stated approving a resolution for this approval, specifying that this is separate from the other site plan.

Chairman Rogan stated correct.

Board Member Pierro stated correct.

Rich Williams stated let me ask you this question though if we are ready to approve the whole site, do we still want to keep them separate, doesn't matter.

Chairman Rogan stated not if we can resolve the issues, if there is a way that we can resolve this then we would certainly do it all as one shot.

Board Member Montesano stated it would be a lot easier with one file to look at, instead of two and three.

Board Member DiSalvo stated well I have one more question, going back to the cell tower, the further up the pole you go, the better the reception for the.

Mr. Alexander stated it is a general rule of thumb, there is a point of rater of diminishing returns, where if you get too high what happens is if you have a network of site, if you go too high you start shooting your signal, interfering with another site, so that. And also the number of users and the fact of that matter is that since let's say the early 90's you know you got your cell phone, you're like hey I got a cell phone it was like a 9 second phone call, no people are pretty much talking their whole drive home from Manhattan all the way up to here. So the length of conversation is much longer and therefore the number of users each cell site can handle is somewhat finite, so you need more sites and you start taking them from heights down to lower, generally. So that is why also, then you have topography, with the little hill crest here and that is why you have one at Brewster Business Park and you'll have this one and you have the at Nolletti Bakery and it is really designed and all the carriers are right now at Nolletti Bakery and Brewster Business Park, it is designed to bridge the gap between the two of them. What is that Towners Road and [Route] 164, that is like the heart of the gap of where you are right dead center for the dead zone for AT&T, right there.

Board Member DiSalvo stated (inaudible).

Mr. Alexander and if you think about the change in elevation there too is pretty grand.

Board Member Montesano stated one other question, your client is coming in and doing that phase right there and if a second client comes in to use that tower they will have to come back to us to extend that again.

Mr. Alexander stated no, no, this height is designed if they want to go lower.

Board Member Montesano stated no, not the height of the pole.

Mr. Alexander stated there is room for three other people beyond us in this 40 by 65 compound. Beyond that we didn't think there was a reason do that at this time, I mean clearly for the way you can see, there is a minimal of back side grading, it wouldn't be that hard to kick out the compound for this side or this side, given that the building is here, we would probably kick this way and keep it hidden from front.

Board Member Montesano stated okay, that is going to have its out generator I can assume.

Mr. Alexander stated no, it will have its own power source yes, we are extending the power source Naish, from the building right.

Mr. Arataz stated I'm not sure, we are bringing it in from the street.

Mr. Alexander stated from the street.

Board Member Montesano stated so you are not going to have an auxiliary generator there.

Mr. Alexander stated no, gel battery back ups that are fully double sealed and contained inside each equipment cabinet.

Board Member Montesano stated alright, thank you.

Mr. Alexander stated and there is 24 hour monitoring and alarms that go off internal sending a message to the technician.

Board Member Montesano stated that comes then I would assume that they have to come back to us.

Chairman Rogan stated it sounds like either way for next meeting you will be in good shape. Whether or not its an approval for the entire site or singling your project out either way you should be in good shape.

Mr. Alexander stated I appreciate that.

Board Member Pierro stated can you tell us.

Chairman Rogan stated oh I'm sorry.

Board Member Pierro stated can you tell us where your next gap in coverage is.

Mr. Alexander stated going up or going.

Board Member Pierro stated either or.

Mr. Alexander stated going out towards Putnam Lake, there is no question, as you go towards the Connecticut border, there is nothing. That was part of what we dealt with, with the ZBA on our need, as you know your ordinance, your Code doesn't have a wireless section so you deal with each one as a

separate use variance. That was part of what took many months working out was we really needed this to be targeted for [Route] 22 and the volume, 15,000 people going by on the average daily traffic. Next is probably towards Connecticut and then start heading towards the Great Swamp.

Board Member Pierro stated okay, thank you.

Chairman Rogan stated okay, thanks for your time.

Board Member Pierro stated not in the swamp.

Mr. Alexander stated (inaudible) DEC wetlands permit.

2) **BONIELLO SITE PLAN – Public Hearing**

Mr. Joseph Fassacesia of Architectural Visions and Mr. Anthony Boniello were both present.

Chairman Rogan stated Michelle, can you please read the next public hearing for Boniello, thank you.

Board Member Montesano stated oh yeah.

The Secretary read the following notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, December 6, 2007 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Anthony & Michael Boniello Site Plan to allow for the demolition of three buildings, the construction of one new building for use as a showroom/retail use and warehouse as well as an existing single-family residence. The property is located at 2180 Route 22, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening, could you please state your name of the record sir.

Mr. Fassacesia stated Joe Fassacesia from Joel Greenburg.

Chairman Rogan stated if you could just please do a quick presentation about your project.

Mr. Fassacesia stated currently there is Empire Power Tools on Route 22, there are three buildings which exist in the back of the building, these three buildings we are looking at to tear them down and to build one structure to contain all items that are on the property right now which are either in those buildings or outside to able to bring all those items inside. That is essentially the project, we are not looking at doing additional disturbance to the wetland besides what has already been done, we are taking care of confining what is actually there.

Chairman Rogan stated okay, any questions or comments from the audience. Given them one second to think about it, can I have a motion to close the public hearing.

Board Member DiSalvo stated make a motion that we close the public hearing for Boniello.

Board Member Montesano stated seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay Joe, do you want to start, you had some questions to talk about with the overhang.

Board Member Pierro stated in reading, excuse me, in reading Rich's memo I noticed that an overhang concept that I brought into the mix early on may be covering some curbing on the southern side of the parcel and Gene is going to speak in that regard.

Rich Williams stated its in Gene's memo.

Board Member Pierro stated its in Gene's memo, I'm sorry Gene. I read so much stuff in the last couple of days, I. We would like to talk about that and when Gene is done with that, I would like to speak about connectivity of the oil/water separator that will be inside of the garage to an area in underneath that overhang, if that is at all possible. Okay Gene.

Gene Richards stated alright, that particular comment, generally what I was trying to make a point about was at the rear corner of the building, the driving aisle, the distance between the back of the parking spaces and the corner of the building had been reduced because of the new overhang that has been added.

Board Member Pierro stated right.

Gene Richards stated it had to of been 25 or greater before which met Town Code but now that has been reduced to 20 feet clear of the overhang and then when I looked at the plan it also looked like your curb line there slightly went underneath that overhang. I don't know if that is a problem for you at all but it wouldn't be clear, if you had a truck going, if you had to take a truck past the overhang, twenty feet is plenty but it doesn't meet Town Code.

Mr. Fassacesia stated it is just a matter of where the concrete stops from the portion underneath the overhang and where the asphalt starts at that point, that is the only question, its not any sort of issue in on that area.

Gene Richards stated this is the corner right where the dumpster is at, correct.

Mr. Fassacesia stated no this.

Gene Richards stated I am talking about behind, right there.

Mr. Fassacesia stated you are talking about over here.

Gene Richards stated yes.

Mr. Fassacesia stated oh that's not a problem at all.

Gene Richards stated okay.

Mr. Fassacesia stated being able to get in there, in and out and to be able to operate the dumpster and to be able to pull the dumpster out, that won't be any sort of issue.

Gene Richards stated I guess it depends on what type of truck the hauler has to come and collect the dumpster, if it is one of those front loads where it picks up and.

Mr. Boniello stated that is exactly what it is.

Board Member DiSalvo stated over the top.

Gene Richards stated they may have to pick it up slightly, back out and then pick it up and over, it is more of a hassle for them but they can do it.

Mr. Fassacesia stated sure.

Gene Richards stated I just don't know the operation that was proposed.

Mr. Fassacesia stated that is why they get paid the big bucks.

Gene Richards stated yeah they do.

Board Member Montesano stated you'll be putting up a new what.

Gene Richards stated I understand, I am just trying to with a comment like that enhance the plans so there aren't any problems operationally down the road once you are built and Mr. Boniello is operating his business.

Mr. Boniello stated maybe we can just keep it where it is now, in that corner.

Mr. Fassacesia stated the question they have is right here when they go to lift it up just in that area.

Mr. Boniello stated the dumpster is right in this corner now [points to plan], can we leave this parking spot and leave that, it comes in, one shot out and back out.

Mr. Fassacesia stated we have six extra parking spots, if you wouldn't have objection to it being in that location.

Board Member DiSalvo stated coming in that way.

Board Member Pierro stated I think that would be much better, it would preferable.

Mr. Fassacesia stated if the Board doesn't have a problem with that we will move it to this location over here, where it is located now.

Mr. Boniello stated I don't even remember seeing that there, who put that there, did you put that there.

Mr. Fassacesia stated it appeared.

Gene Richards stated I actually like the idea but from an operation standpoint, I didn't know if it would work for the hauler is all.

Mr. Fassacesia stated the concept was keeping it enclosed and out of the line of sight and.

Gene Richards stated sure absolutely and that would do it. Like I said I like the concept I just wanted to make sure it didn't create a problem. Then the other issue again becomes that we don't have a full 25 foot for the drive in aisle.

Mr. Fassacesia stated in which, right here.

Gene Richards stated between that corner of the building and yeah the parking spaces opposite. My scale I think is about 20 feet are clear.

Mr. Fassacesia stated with the amount of traffic that will be going through this area here to have the two way traffic at that spot I think is something that we certainly would be able to work around.

Gene Richards stated Rich is that something that the Board can just waive, that requirement for 25 feet.

Chairman Rogan stated why don't you designate those spots as your employee spots, so they are not customer traffic, you know, get your employees to fill those up.

Board Member Montesano stated put a big steel gate there because I'm sure everybody is going to read that.

Mr. Boniello stated yeah, the dumpster is going to be gated.

Mr. Fassacesia stated a fence around the outside.

Gene Richards stated so Shawn, that would be something that the Board could waive the requirement for, the 25 feet.

Chairman Rogan stated so the waiver would be that there is 20 feet instead of the required 25 feet for the drive aisle from the corner of the building, okay.

Mr. Fassacesia stated for this area here.

Gene Richards stated that is what I scaled so, if that works.

Board Member Montesano stated okay.

Chairman Rogan stated we could always move it further into the wetlands right, to get the 25.

Board Member Montesano stated we can put it on a plug.

Mr. Fassacesia stated okay.

Chairman Rogan stated so now we are talking about, there was another issue, you were.

Board Member Pierro stated the other issue I had was that I know we discussed having the oil/water separator inside to protect and water leaving the site and have a cleaner outflow and knowing Anthony's business and the way things operate there.

Chairman Rogan stated you mean that in a positive regard.

Mr. Boniello stated I hope that's positive.

Board Member Pierro stated yes absolutely, it is his intent to have most of his storage inside but if we are going to this overhang, that 60 foot overhang out in the back of the building I think that it might be wise to have that also connected to the oil/water separator so that if the possibility that any cleaning gets done outside it goes into the same system that is taking care of the interior of the building.

Mr. Fassacesia stated the reason for having it inside is just that any of the operational aspects keeping it inside enclosed, in a controlled environment is the intent behind that, so this way it is not out underneath, this way by having it enclosed and inside allows for the, probably actually the easier aspect of maintenance.

Board Member Pierro stated I appreciate that but I would like to keep the option open to protect as much water going off the site as possible. I don't think connecting the oil/water separator.

Mr. Fassacesia stated the exact location where it is, doesn't matter to its actual separation, the oil/water separator is only doing the function at that specific spot, it is the actual piping and the drainage and the trough drains that are in the floor which actually transfer that water to that location, so you can have that oil/water separator as far as you can get, anywhere, where ever there is a pipe.

Board Member Pierro stated right, so.

Chairman Rogan stated so the ground below that overhang is that proposed to be concrete or gravel.

Mr. Fassacesia stated that is proposed to be concrete, however that is also the area where we are looking to do the outdoor storage so if you look at it from an accessibility point of view, if you have the brand new lawn mowers when they come in their crates, and they are staked up onto of the oil/water separator and the oil/water separator needs to be cleaned out. Now you have to move the tractors around.

Board Member Pierro stated is that where the oil/water separator is going to be, under the concrete.

Rich Williams stated if I could jump in here, I think Dave's concern is not moving the oil/water separator.

Board Member Pierro stated no.

Rich Williams stated its extending the collection system to collect from under the overhang.

Chairman Rogan stated correct.

Mr. Fassacesia stated oh collecting out under that overhang, that's fine.

Chairman Rogan stated that is all he's talking about.

Board Member Pierro stated its minor, its very minor.

Mr. Fassacesia stated that's fine.

Mr. Boniello stated if you have any concerns, I spoke with Ted probably 3 or 4 years ago, he had some concerns about it, I really cut it in half or better. If someone has an oil leak, the machine has to be cleaned before it comes to my place.

Board Member Pierro stated right.

Mr. Boniello stated the machines don't get pressured washed as much as they used to get pressure washed.

Board Member Pierro stated I know, you did that to me.

Mr. Boniello stated I did.

Board Member Pierro stated yeah.

Mr. Boniello stated I'll find the oil leak but I can't sit there and pressure wash the machine.

Mr. Fassacesia stated what we will do is make sure that we have a trough drain in here pulling into the oil/water separator.

Board Member Pierro stated excellent.

Mr. Fassacesia stated so this way it takes care of it, simple enough.

Board Member Pierro stated thank you.

Chairman Rogan stated now we are looking at your people getting together with our people, sitting down and discussing this, stormwater issue that I understand haven't been resolved and come up with some bond calculations and we can wrap this up.

Mr. Fassacesia stated on Tuesday right now, we are looking at a tentative meeting, the time to be determined but to have it on Tuesday of this up coming week.

Chairman Rogan stated great, thank you.

Mr. Fassacesia stated okay, at the next meeting do you think that we would be at the point where we would be able to have a resolution be prepared since most of the comments are relatively.

Rich Williams stated well as we talked about before the meeting, as I talked about with Ted, we still have a pending wetlands application that nothing has been decided about what it entails. As a result Anthony has not been able to pay an application fee so that whole process.

Chairman Rogan stated what do we need to do to wrap that up.

Rich Williams stated we need to wrap that up but I need some guidance from Ted as far as what the application covers.

Ted Kozlowski stated the problem.

Board Member Pierro stated spit it out Ted.

Ted Kozlowski stated the problem is that the entire site is within the buffer but the entire site is not a new disturbance so we have to determine what is new and what is not new and there is some discussion going back and forth between Richie and I and Anthony, regarding what was there a couple of years ago and what is there today. If we went right now with a total according to our fee schedule, it is an enormous fee so we have to determine Richie and I, basically what it is that we are charging for and that's kind of been a stickler with that one and a couple of other projects we are looking at. The best I can do is hopefully we can have an answer for you next week on a fee.

Mr. Fassacesia stated but now is this something that we would be able to move forward on the public hearing aspect, that we wouldn't need to have a second public hearing.

Ted Kozlowski stated I don't see a problem, its not a, most of the site is a pre-existing condition so I don't think that is a big issue.

Rich Williams stated procedurally we have to have a public hearing.

Ted Kozlowski stated procedurally, according to the law we have to, it can be waived but generally we don't waive something on this scale, that is usually a backyard kind of deal, somebody is putting a pool in or something like that.

Chairman Rogan stated we can also set a public hearing for the next meeting.

Ted Kozlowski stated yes you could.

Chairman Rogan stated and you know.

Mr. Fassacesia stated and have a final resolution prepared at the same time.

Chairman Rogan stated sure, it is a matter of everything getting taken care of.

Board Member Pierro stated as long as you guys get your stuff ironed out.

Mr. Fassacesia stated which we will have taken care of on Tuesday.

Board Member Montesano stated so you want to make a motion for another public hearing Boniello's wetlands permit.

Chairman Rogan stated for the wetlands. Can I have a second.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Board Member Montesano stated (inaudible).

3) PAPIITTO SITE PLAN – Public Hearing

Mr. Robert Cameron of Putnam Engineering and Mr. Jeff Papitto were present.

Chairman Rogan stated Michelle, can you read for Papitto public hearing please.

The Secretary read the following notice into the record:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, December 6, 2007 at 7:30 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **Vince Papitto, Papitto Construction Site Plan to allow the construction of a contractors office and storage yard, in an existing I Zone. The property is located at 867 Fair Street, Patterson, New York.** All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman Rogan stated good evening Rob.

Board Member DiSalvo stated it's the last one.

Chairman Rogan stated she ran away from me.

The Secretary stated thank you Rob.

Chairman Rogan stated Rob could you just briefly explain to the audience, the project.

Mr. Cameron stated this is an application for a contractors yard and storage building it is located in the I zone on Fair Street. The project is about 2.61 acres in size, there is an existing building on the property formally a residence which has been converted to a contractors office, which has received prior approval from the Planning Board. This application is for a 60 by 100 storage building located towards the rear of the property with an associated gravel yard, paved parking area, and additional parking spaces and a reconfiguration of the driveway to access the contractors yard in the back of the site.

Chairman Rogan stated what is this site, what is it previously referred as from the business next door.

Board Member DiSalvo stated Von Essen.

Chairman Rogan stated Von Essen.

Board Member Pierro stated Von Essen.

Chairman Rogan stated so this is the house that was along the Von Essen business on Fair Street. Have any questions or comments from the audience please.

Board Member DiSalvo stated I make a motion that we close the public hearing.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated so how are you doing Rob.

Mr. Cameron stated good.

Chairman Rogan stated got almost everything squared away huh.

Mr. Cameron stated yes I believe we do. I was hoping that we would be getting very close to a conditional approval, there are some outstanding comments that have been issued by Stantec, I think a lot of these are addressable as either a condition or as a field change. There was an issue that Gene had brought up about the fabric liner beneath the parking area and unfortunately I have not had the time to, somebody else had done the research on that, Gene had indicated that there was an issue that puncturing with the gravel and I think that we had mentioned that we could put another geo-textile liner over that but I think that is resolvable. There was an issue that he brought up about the swales along the driveway, we contend that the velocity of the water isn't going to be sufficient to cause erosion but we concede that you know if we need to put a swale there, there is enough ample room to put the swale in. His issue was that when we bring down the driveway, we basically create a swale at the edge of the driveway between the pavement and the grass area and if we just change the slope a little there, just brought it either swale out the pavement or created a grass swale further off to the side I think that would resolve the issue. I think your issue was that it is going to run down that particular line between the soil and the edge of the pavement.

Gene Richards stated that or even go out onto the pavement during cold weather if you get a rain storm, it will end up with icing on the pavement. Considering the slope of the driveway, we don't want Mr. Papitto to have any problems.

Mr. Cameron stated I think what we can do is continue the slope of the driveway off and just make it into a swale out there.

Gene Richards stated that's fine. One item we had in our memo discussed the retaining wall and what we would be looking for the portion that is over four foot, we are supporting calculations from Paul, just to show us that the wall will be stable that it won't turn or slide or anything like that and that is standard.

Mr. Cameron stated yes, we can accomplish that, actually what we were trying to do is do the design of the wall at the time of the design because this wall is going to be contiguous with the back wall of the building and we are actually going to design that entire wall when we design the wall for the building so that it will be a contiguous wall. Basically it would be a poured concrete wall with reinforcing but when we figure out the design of the wall of the building we would do that, I understand what you are saying.

Gene Richards stated I think part of the modular block wall is over four, I might be mistaken, if there is a part of that, if you are treating that separately we need to see the calculations for that.

Mr. Cameron stated um, top of wall 774, bottom of wall 767, it does look that way doesn't it.

Gene Richards stated seven foot.

Mr. Cameron stated yeah and I think we have a design on the plan for the modular wall.

Gene Richards stated I didn't bulk of the review, as I recall there a detail for that. The other issue and unfortunately I have just been so buried with work I haven't had a chance to look at the stormwater report, I apologize.

Mr. Cameron stated I saw that.

Gene Richards stated I will get to it as soon as I can and get you an answer, I think Rich scanned it and didn't see an big problems but I still have to go through that, I haven't done so, and I apologize to Mr. Papitto for that.

Board Member Cook stated I think that we would like to see as many of the conditions removed as possible and we would like to act on this but if we are going to do a resolution with conditions, few is better. I have a question for Rich, have we heard from the Putnam County Highway Department on the request for the drains at the bottom, when we sent the Commission a letter.

Rich Williams stated yes as I recall the letter was just saying that we found it acceptable if they went ahead, we haven't heard whether they actually got permission to put the drains in or put the drains in.

Mr. Papitto stated yes we did.

Mr. Cameron stated the last time I spoke to them they were working with you getting the approval.

Mr. Papitto stated went across the street and they said it wasn't a problem, they said they could watch us through the window.

Rich Williams stated did they give you a letter or sort of permit.

Mr. Papitto stated you know I don't know if they gave Vince a letter, I want to tell you yes (inaudible – too far from microphone).

Rich Williams stated yeah if we could get any details, any approvals, just so that we have them for our records.

Mr. Cameron stated yes I understand. I haven't received anything, I think your father made the application so technically they would be forwarding the application back to him.

Mr. Papitto stated okay.

Chairman Rogan stated so it sounds like you are very close, we could as Charlie said wrap a few of these last conditions so that next month we are ready to approve this and be done with it, you've got you. Do we have bond calculations on this.

Rich Williams stated I did them.

Chairman Rogan stated but we need them. We will have the resolution waiting for you.

Mr. Cameron stated okay.

Rich Williams stated one of the outstanding issues that you may want to address tonight, I took a look at our files, I don't see where we have actually done a SEQR determination, I may be wrong.

Chairman Rogan stated that would be important.

Mr. Cameron stated I thought you did one at the.

Board Member Montesano stated that would be nice.

Rich Williams stated I thought that we did one last meeting but if we did I didn't write it down.

Chairman Rogan stated I thought it was done last meeting but given that we would have to check the minutes, it never hurts to have two.

Board Member Pierro stated two is always better than one.

Board Member DiSalvo stated I thought Dave did it.

Chairman Rogan stated I thought so too.

Rich Williams stated alright, well I'll go back and check the minutes.

Board Member Montesano stated might as well do it again and make it a lot easier.

Board Member Pierro stated let's do it again, go ahead Maria, you've got your cheat sheet there.

Board Member Montesano stated now you are going to have her change.

Board Member DiSalvo stated make a motion in the matter Papitto Site Plan that the Planning Board of the Town of Patterson finds the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Board Member Pierro stated great.

Mr. Cameron stated thank you.

Chairman Rogan stated let's wrap things up for next time.

Mr. Cameron stated okay I'll do that and get the bond and the.

Chairman Rogan stated especially since a lot of the things you said are pretty easy to resolve, so.

Mr. Cameron stated yes.

Chairman Rogan stated okay.

Mr. Cameron stated very good, thank you.

Chairman Rogan stated thanks Rob. That was enough public hearings for one night.

Board Member Pierro stated right.

The Secretary stated I think so, yes.

4) PATTERSON HISTORICAL SOCIETY

Ms. Judy Kelley Moberg, Mr. Ron Taylor of the Patterson Historical Society and Mr. Mark Porcelli, the developer were present.

Chairman Rogan stated next we have Patterson Historical Society who would like to do a little presentation tonight on some of their findings in regard to the Paddock View Subdivision.

Ms. Moberg stated do I have to push something.

The Secretary stated it is already on.

Chairman Rogan stated state your name for the record Judy.

Ms. Moberg stated Judy Kelley Moberg and this is Ron Taylor and we hope that we can continue a relationship between the historical society and the Planning Board on sites to be developed in the Town of Patterson and we are trying to get involved in the cultural resource studies that often have to be done as part of preliminaries for any developed site in Town. They are especially required when State monies are involved in the project, so we have actually sent out memos on a few of the sites. One is the Paddock site up on, where the intersection of Route 292 and Route 311 is up on the hill there where the rock cut was and we were quite concerned about that site even though the cultural resource study and the archaeologist dug 233 test pits and he found absolutely no artifacts there and yet all of research and background maps and materials indicated that was the original Town of Patterson. That was the area known as the city and on top of that knoll was the original congregational meeting house plus several other buildings and a blacksmith's shop and we were also apprised to the fact that Revolutionary War artifacts, 1735 coins, pewter Continental Army buttons and various other items associated with shops that were set up around the mill, were also found by the State when they reconstructed that corner to try and make the line of site better and cut off the toe of the hill, I think you probably know where I am talking about, where they cut back. So we did talk to the developer, Mark Porcelli, I hope I pronounced his name correctly and we went up on site with the Planning Board and with Mark and looked at what we thought were the remains of the foundation of what could have possibly been the congregational meeting house and we were as little concerned as well because the pastor had been buried next to it in the 1700's and had been moved by his family later. If he was buried there, we thought possibly there could be other burials as well. So Mr. Porcelli agreed that we could go on site, we filled out basically how would you say it, a release form that if we broke our necks up there that we wouldn't hold him liable. We went up on let me get my dates right, we went up on November 17th, we metal detectors, five members of the historical society and really took a good hard look at the front edge of that site where the tree line starts and we did find what we believe to be that back of some early foundations. We did a little digging around, we think probably that the State when they took the dirt off the top of that hill when they did the rock cut, not only did they take a good portion of the hillside off but they may have also graded the soil on the top when they seeded it. So where we were looking was right at the edge of the grass line and right at the edge of the tree line, we are not 100 percent sure where the developers lot line is, so it should be his house site lot 2 is right at the point. Go ahead Ron, everyone in Town saw us, people were beeping as they drove by.

Mr. Taylor stated you know the corner we are talking about, this is the big rock cut with Route 292 here, what he has designated as lot 2 is the first lot coming up from the east. We were looking at part of that lot essentially in between two small hills is a brick foundation there, it is somewhere in this area, we aren't surveyors, so we didn't know quite where this line is, which we need to find out. What we found is one foundation that is composed of squared rock and old bricks, bricks that date before 1790 but reused in this foundation in a limestone mortar. Some of that extended above the surface that is what you could of the site when we walked the site and this is kind of detail of that. What we found when we were digging along is that there is a center foundation and there are piles of debris, brick debris and rock debris on either side of it and some piles away from it, we were concerned that these piles were in fact a foundation running back into the site. As it turned out we dug here, we found a corner that is running out away from the site, so this seems to be the back wall of some foundation, maybe the barn that they say was on the hill in the 1880's or the 1890's, above that foundation and just below the soil surface, we found some various farm like debris, old nails, some broken bottles, a boars tucks, the metal detectors found some shovels and tin cans things like that. Beneath that layer then there was some of this foundation, the very bottom of the

foundation was covered with a layer of clay, very clean gold clay, but beneath that was this thin layer of what looked like very small artifacts, some of which date from the 1700's into the early 1800's, small pieces all broken up and scattered through the area as if somebody had raked it flat before they built this foundation on top of this. Beneath that, interestingly enough we found another foundation, not directly beneath this one, it actually came in at an angle of again squared stone, but different stone than this though, more shale like stone, un-mortared, just dry laid and next to it on one side, what would be the south western side was a very hard packed earth surface, perhaps an old earth floor. So you might speculate that this is the actual foundation of the old church, we don't know, we have only dug up a small area just to reveal it but it also seems to hitting away from the site and out towards the road. So our concern would be just preserving these relics, they may already be on state land and it may be on the border of his land or they may be just very little bit into his land. He had said he was willing to do a conservation easement for a portion, it would be a very narrow easement if necessary, so we are going to ask him once he surveys this, if we can go back up and pinpoint whether he has to do anything or not. That is basically what we found and she can show you some of the artifacts.

Ms. Moberg stated interestingly enough, since he was very willing to add it to the conservation easement that already ran along the slope side, just in consideration of a view shed there coming into that intersection looking up on that hill top, it might be a nice idea to have it actually, maybe a fifteen foot easement added, just so you are looking up at trees there and you are not looking at somebody's above ground pool or plastic fence at the edge of their lot line which would be very visible coming into that corner, so that might be something to consider as well. But it looks like most of the material was taken away, so if anything it is just this back section which is very close to his line and we looked further back and found nothing so we have to vindicate the archeologist as well. We also went on to the equestrian site with archeologist, Jim Turner and Ann Stratta, he was concerned because after all the subsurface testing they did, again they found no artifacts on that site, yet across the street on Covington Green and Dorset Hollow, the Rosebud Site, there were about four or five pre-historic Indian sites that were very significant and he couldn't understand why he found absolutely no evidence of anything on that site. So this whole heart of doing an archeological survey is to take a good hard look, he said I can't put down that I put nothing without a reason so he asked Julie Ann Van Nest who is the expert geomorphologist from State Museum to come down, the developer same out with a backhoe and we dug seven four foot trenches across the property from the high points to the low points so that she could look at the stratigraphy in the soil to try to determine how that soil was created and why weren't finding anything. It was an extremely interesting situation, all of it is glacial, you guys would call it bank run gravel on top, it was really a flow of water from the receding edge of the last ice sheet, it was full of sediment, it makes kind of a hummocky landscape with bank run gravel on top and beneath it there were other assorted layers. We didn't find a single flake of anything in any of those pits, the lowest areas we went into, when we got below glacial till material, we found some find bedded layers of sand and clay, this would be very close to edge of the swamp at a much lower level and that would probably have been laid down by a post glacial lake that extended a little beyond the edges of the Great swamp. So it was very interesting because we were looking at a landscape that was created 12,000 years ago and still we couldn't come up with a really solid reason why there was nothing there, except at the Rosebud site, these sites were located next to the mill brook stream and we found no evidence of an early stream bed on the equestrian site and it was much more protected from the north, so basically he couldn't have looked any harder if he tried, so I really have to compliment his effort and say this is the kind of work you like to see in a cultural resource study. In both cases we are delighted that we are involved in the process and we hope that everything works out well.

Chairman Rogan stated thank you.

Board Member Pierro stated thank you, can we see some of your artifacts.

Ms. Moberg stated these are the only ones that could be 18th century and I would have to explain what they are. They don't look like much.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated it looks like a tooth, some clay.

Board Member DiSalvo stated a boars tusk.

Board Member Montesano stated yup.

Ms. Moberg stated we had some 18th century stuff it was like 18th century stuff all jumbled together with 1830 stuff all the way up to 1893, it was all thrown together (inaudible).

Chairman Rogan stated Mark, just state your name for the record please.

Mr. Porcelli stated I am Mark Porcelli, I am the owner of Paddock View Estates. I was here for the whole speech and really my whole concern and somewhat disappointment is I did have a conversation with Judy on the phone a couple weeks before the 17th, where she had expressed her desire to go out with some and do some research on the 17th. My number one concern was insurance and liability.

Chairman Rogan stated sure.

Mr. Porcelli stated number two I wasn't sure if I could even be there on that day and I wasn't sure and I was supposed to receive fax from I'm not sure who with some paperwork.

Ms. Moberg stated we sent it.

Mr. Porcelli stated with some paperwork that I wanted my attorney to review.

Mr. Taylor stated we sent it to you Mark.

Mr. Porcelli stated and I wanted to get back to you, I never received it.

Ms. Moberg stated we sent it.

Mr. Taylor stated we are sorry.

Mr. Porcelli stated we were supposed to have a discussion number one.

Ms. Moberg stated I thought it was okay when you didn't get back to us.

Mr. Porcelli stated no because.

Ms. Moberg stated because we faxed it to you.

Mr. Porcelli stated that was not the conversation, the conversation was that I wanted to have time to speak to my attorney to find out if there was any, what type of indemnification you had given us, if there was

additional insurance required, I was supposed to be present or my partner at that site. You took it upon yourself to basically trespass and admitting it on public record in the town, which I was gladly willing to meet with you like I did before.

The Secretary stated hold on Mark.

Chairman Rogan stated hold on a second.

The Secretary stated okay go ahead.

Chairman Rogan stated thank you.

Mr. Porcelli stated since I was happy to meet with you once before and do a site walk I told you that I didn't see a problem with doing it again, I voiced my concerns about liability and the amount of people and who was there and I needed to be present just to be sure what went on there and to see who was there. I am sure that the Planning Board doesn't condone this agency going out and trespassing on people's property without permission and written consent especially after the long discussion that we had when members of the Planning Board were there. To me you know, since you didn't hear back from me, I didn't get the fax, I actually made a phone call to get your number to somebody because I said I haven't heard back from these people let me find out what is going on before the weather gets bad if we are going to do this walk or not. Surprising to me, I mean you would have thought that if this was condoned by me you would have picked up the phone can called me with these wonderful findings that you vindicated my archeologist that you had thought had done a haphazard job at first.

Ms. Moberg stated yup.

Mr. Porcelli stated I am wondering why I received no phone call to tell me what went on other then fact that you took it upon yourself to go out onto a site that you really didn't have the proper permission to go on. Working with you I had no problem with but after this I would reconsider working with this group of people if they can't be honest and forth coming when they are going to do something.

Ms. Moberg stated there was a break down in communication, there should have been a second conversation.

Mr. Porcelli stated Judy, it's really not because I spoke to you and told you I needed my attorney to look at this, I said I might not even be able to be there. I told you that night I wanted to be there and the 17th was an arbitrary date that you had picked that I said I wasn't sure, I ended up being away that week and we lost communication. That is why I contacted somebody to get your number back and you could have just as easily you found me once, you could have me again before this site walk.

Chairman Rogan stated okay well basically, and we appreciate, because through out this process and through out at least the six year I've been on the Board, we've always spoken publicly about certainly about people not trespassing. That people feel when a site project comes up and they are concerned about it, they want to go look at it, we've have always spoken out against that. In this particular case I am disappointed just that that we are both not on the same page that's all and if there is anything, any communication that Mr. Porcelli and the Historical Society need to have not only with regard to this but for future that they get together and do that, that really is outside the purview of the Board but it is something that I am glad you brought to our attention because in the future with other projects, project on our agenda tonight that we are discussing issues with and so it is a good reminder that we all need to make sure we

have everything codified in our hands before we go out on site because god forbid someone get hurt out there. Mr. Porcelli of course is worried about liability, so I would just, I am not sure where we fit into this particular aspect but I appreciate you bringing it to our attention.

Mr. Porcelli stated I am not blaming the Planning Board.

Chairman Rogan stated no I understand that.

Mr. Porcelli stated but what I am saying is that there were members of the Planning Board present at our first walk.

Chairman Rogan stated absolutely.

Mr. Porcelli stated and it was stated that I needed to be there when anybody was present to walk on that and I know we had a conversation about insurance and liability and contacting me before this was done and I am not very happy about this since I hired an archeologist that I didn't have to, I did it to please the Board which they didn't ask for, for my own knowledge and if anybody did bring something up we had the archeology report. You came out, you and your group thought that that archeologist was a haphazard and did not work properly and now you say you've vindicated him. Well if this walk, if this was something that would have pleased me to hear, I would think that if you did have the permission to our there not based, I look like you went there because you felt I wasn't going to let you there or whatever reason, you did not tell me about this, the 17th was almost a month ago and I have never heard anything. I didn't even know you were on the agenda for a project that is one of my projects, you never even contacted me to let me know that we were on the agenda or to that you were planning this. I don't think that is the proper way to construct.

Mr. Taylor stated we are sorry Mark, we are sorry, I sent you a fax apparently you didn't get it.

Mr. Porcelli stated but if someone breaks a leg or a neck and I say I'm sorry then that's not going to be enough.

Mr. Taylor stated we sent a fax with consent forms.

Board Member Pierro stated Mark.

Mr. Taylor stated they were signed, we did what we thought was proper, we are sorry that the communication wasn't done properly.

Board Member Montesano stated right now Mark, I think that the communication breakdown was there, it shouldn't happen again, I appreciate your stand on it, I think that if you want to discuss it with them the.

Mr. Porcelli stated no I just wanted the Board to know, I just was.

Board Member Pierro stated okay Mark that's enough. We appreciate your concern.

5) PONDVIEW SUBDIVISION – Wetland/Watercourse Application

Mr. Neil Alexander of Cuddy & Feder, Mr. Joseph Buschynski of Bibbo & Associates, Ms. Beth Evans of Evans Associates and Mr. Jim Hahn of LADA Land Planners were present.

Chairman Rogan stated okay Pondview Subdivision. Is anyone here for Pondview Subdivision.

Mr. Alexander stated we are here.

Chairman Rogan stated okay.

Board Member Pierro stated we have a minute.

Board Member Cook stated (inaudible) application.

Chairman Rogan stated it is a wetland/watercourse permit.

Board Member Pierro stated right.

Chairman Rogan stated that is all that it is because it was previously approved, it only came back to us because of the wetlands.

Mr. Alexander stated good evening.

Chairman Rogan stated good evening, could you state your name for the record please.

Mr. Alexander stated Neil Alexander I'm a partner in the law firm of Cuddy and Feder. I am here on behalf of Bayswater Pondview LLC. For those of you have been on the Board for a fair number of years you might remember this project. Essentially in the late 80's into the early 90's this is property was developed and the filed map was perfected in 1992 for fifty lots in the Town of Patterson the property crosses from Patterson coming up Fair Street, crosses into Patterson and then over into the Town of Kent, it was done as a cluster subdivision with an open development agreement. Basically the developer went to a couple years later pull building permits and low and behold the watershed agreement had been adopted and ever since then we have pretty much been chasing around trying to get the requisite approvals while at the same time the regulator scheme whether it is Army Corp, the Department of Health for the County, DEC remapped the wetlands in the area actually into our favor making them smaller on our property.

Chairman Rogan stated I'm glad we got that on the record, that is the first time.

Mr. Alexander stated right and DEP and you know basically what you are always dealing with the phosphorous basins issues in this area and so you are familiar with. Essentially what we are looking to do now is we need a local wetlands permit because now you have a wetlands law and you didn't at that time and that is really the primary aspect. A couple of sort of statistics just to help you understand, we originally had a gally design for the septic and that was changed to a conventional design as a result our disturbance for the septics went from about 1.9 acres to now 4.92 acres. I can show you on a different plan, that issue, building out SWPPP, putting in new stromwater basins, now we need to get an Army Corp permit. I am telling you all the things you know and it was all laid out in our letter for those who had an opportunity to read it, essentially the overall disturbance for the project went from about 17 and one half acres to just under 30 acres and that is with our wetland disturbance being halved down to a half acre. What has happened since then also is, the developers looked at the market, the projects architectural are different and we submitted some plans to you, which we can pull out when you are ready and they don't really

match up to today's standards. We have also worked with all those agencies on the septic and water issues and it was determined that we could handle 19 more bedrooms. So what we would like to do is since four of the units were one bedroom units, that is not a marketable item, we would like to change that to a two bedroom unit and of the 46 two bedroom units we would like to make 15 of them three bedroom units, that is really all we are looking to do to the project. No lot lines are going to change on here at all, all the sister agencies have been looking at this on a federal, state, county, city, local level and they are all moving in a direction that basically encouraged us to start our dialogue with you and they are essentially ready to move forward in due course that they have no hesitations with what we are looking to do. Let me give you a different plan now that you saw the filed map.

Chairman Rogan stated so the moral of the story is that when you get your permits you should build, it seems like that comes back to us quite often.

Mr. Alexander stated I would like to say New York, Connecticut you are vested from the time you file your application.

Chairman Rogan stated oh.

Mr. Alexander stated New York is not as (inaudible), leave it at that I guess. So what we have done here is just give you a quick visual, obviously this is the pond that leads the name of the project, there was a dam failure and that is not me complaining but actually a failure in the dam.

Board Members laugh.

Mr. Alexander stated that requires us to do some work which would have been required regardless if this project had existed and already been built or otherwise that is part of to a large extent of the five tenths of an acre of wetland, three tenths of an acre of wetland disturbances associated with that repair work. I think that's important as you start thinking about the Army Corp standards and that this is we are seeking to go under a repair issue for that work. Key coding, this blue is not correlated to this blue, these are new water quality basins, I don't have the exact number but Jim Hahn from Hahn Engineering is here with us tonight, Beth Evans from Evans Environmental Consultants is also here tonight as well as Gary Friedland who is the project developer, I think you know.

Mr. Buschynski stated Joe.

Mr. Alexander stated I think you know Beth and Jim, Joe, I'm sorry, I apologize from Bibbo, I'm sorry, I didn't know if you were, I know you have another matter so I wasn't sure if you were coming in. These septic areas, these are the original septic areas, we have been asked to put these two septic fields in which also gave rise to the road out to them. Unfortunately a lot of this we don't have control over, we didn't want to incur these extra expenses certainly this loss of time and so forth so from our perspective we are doing what is required of us to pull a building permit, we now need the local wetlands permit with you all. That is really from our perspective why we are here, we are also looking for authorization to essentially or acknowledgement that we are going to increase the bedroom count and the footprint is going to be different. Now it is also important to now that when the original approval was granted there were footprints set out, I'm sorry setback areas set out with each lot so obviously you could get, this is not under multi-family law because your multi-family law didn't exist then. Even though this property is in your multi-family overlay on Fair Street, this was done as a single family subdivision and we have elected to cluster and then they elected under the old 281 as opposed to 271 today to change their form of housing from single-family to a townhouse, so that is how you got this. So all of these zero lot lines were given

authorization under a cluster, so essentially, although we are going to move the footprints out, the lot opening, the set back, front and side and so forth, is not changing we are not going incurring into that. We have calculated roughly with the format with our architect and our engineers that new impervious for this project accountable to the change in our architectural style is about an acre, that is it compared to the other 20 odd acres from your other sister agencies and that is pretty much where we are.

Chairman Rogan stated from an administrative stand point, even just the one acre change in the footprints of the structures, can that be approved through the wetlands permit process or do we need a modified site plan.

Mr. Alexander stated no.

Rich Williams stated its gets handled almost administratively by an erosion control permit at this point with the changes to the now current Town regulations.

Chairman Rogan stated okay.

Rich Williams stated this was originally a subdivision and you can check with the attorney if you'd like, they are not changing the subdivision lines anywhere. So as far as the original approvals, those original approvals are enforced and are not being effected by anything they are doing here with the exception of changes to impervious coverage, stormwater and erosion control. We are looking at through an erosion control permit and some wetlands issues.

Chairman Rogan stated okay.

Rich Williams stated and in regards to the bedrooms, the bedrooms are not an issue for this Board, to put it bluntly it's a Health Department issue.

Chairman Rogan stated Health Department.

Rich Williams stated if they've got the septic area, if the septic supports the number of bedrooms, then the Health Department approves it.

Chairman Rogan stated the exception to that though would be if the Board found that the impacts to the wetlands we being increased because of the increase in bedroom, larger building and larger stormwater.

Rich Williams stated yes, you are absolutely right.

Chairman Rogan stated so that can be balanced between what is necessary to do this and what is allowable as a mitigation.

Rich Williams stated that is true but that's not the case, in my opinion.

Chairman Rogan stated okay, Ted you're up.

Ted Kozlowski stated could you kindly explain what the wetlands permit would cover.

Mr. Alexander stated sure.

Chairman Rogan stated hi, can you please state your name for the record.

Ms. Evans stated I can, I'm Beth Evans principal of Evans Associates and it's nice to be back. The wetland permit application that we have before the Town, the State, and the Federal Government, is for three types of activities, one and I will start with access road because that is what serves the property and is of most interest to this Board. The access road goes through the wetland buffer area and some of the drainage facilities in grading for that road to encroach into that wetland slightly and into the buffer down in this area. There is also a proposed pump station and water line that will go into the wetland adjacent area and extend out into the pond, that is also part of the permit and those impacts have been calculated. Then finally as Neil stated, the repair of the dam is the major component of the wetland impact and that is necessary, the dam blew out in the spring storms of 2005 and the pond drained about three or four feet as a result of that. The applicant clearly would like to restore the pond both for the water service and also for the habitat that it provides and in order to do that we need to get in and rebuild the dam and rebuild the side slopes and reconfigure the outlet structure. So those are the aspects of the wetland permit that are before you, the impacts have been calculated by the project engineers and we have proposed some mitigation, one of the wonderful things about this property if you know it are the wetlands are down by Fair Street and then the hill rises back up back toward Kent, there are no wetlands on the upper portion of the property, they are all confined down to the valley area along Fair Street. And we have looked fairly hard for areas that we can go in and do some restoration and some mitigation to try to compensate for the unavoidable impacts but at this point, those plans are part of your package and we are expecting to review them with you and Ted.

Ted Kozlowski stated Beth, I have a question on the dam repairs, there are a couple of parts to this one is our Code clearly covers emergency repairs and maintenance and such and Richie and I had a discussion about the dam. As well as I had a discussion with your staff that I felt that this was a repair and the permit wasn't so much needed for that repair because well its not an emergency anymore but it was created by something that was unnatural and it has to be repaired and I acknowledge that. The concern I have is how are you going to get to the repair site, there is no road there.

Ms. Evans stated correct.

Ted Kozlowski stated and you do have to access it and accessing it would require you to go further into the buffer to make an access road or to reopen an access road which I am assuming is going to be the top of the berm of the dam and then down not so much between Fair Street and the pond and in your calculations has that been considered because you may or may not be creating another disturbance by just getting to the point of where you need to do the repairs.

Ms. Evans stated and I will truthfully answer that, I don't know the answer but we will certainly address that. The temporary disturbance in order to access the dam for repairs, the construction staging and sequencing in there, we will certainly give you those details. I am sure between Joe and Jim they know the answers and I don't which is often the way it happens.

Rich Williams stated if I could just interject, dams require periodic maintenance, and there is going to be some outlet structures there, I don't know if we would really support a temporary road.

Ms. Evans stated I am really talking about the access going in, it will be permanent access but it will be vegetated permanent access over pavers or something like that I suspect.

Ted Kozlowski stated I'm not a dam expert.

Ms. Evans stated but you're darn close.

Board Member Pierro stated I could tell you that.

Ted Kozlowski stated we all know that's a created pond in probably a wetland at one time that they dammed up, that whole berm is probably, I would think needs to be cleared because there are trees now growing in it and that may have an effect, I don't know, and an engineer would have to assess that. And I would assume that is going to be your access point and I am going to assume that that is going to be a permanent access point for any kind of maintenance that is going to be required on that dam but that is what you folks are going to have to tell us.

Ms. Evans stated right and we have, that part I do know the answer to, we have considered the work to actually restore the dam itself and rebuild it, it does have to be cleared and that is part of the impacts that have been counted, the question that I don't know the answer to and I probably should, is how much of the work within the buffer to get to that dam has been considered.

Ted Kozlowski stated and what is already there, so we are going to have to understand.

Ms. Evans stated and what will remain after we are finished.

Ted Kozlowski stated what are we losing or gaining or whatever by getting to that access and that is important for this Board to understand.

Ms. Evans stated and I will definitely get you details on that.

Chairman Rogan stated thank you.

Board Member Pierro stated thank you Ted.

Ms. Evans stated other questions or just, okay thank you.

Chairman Rogan stated I think our next logical step would be to try to get out there and take a look and do a site walk.

Board Member Pierro stated at minimum the entrance drive in the dam part first, correct, we don't have to go deep into the site yet, correct.

Chairman Rogan stated we could do that, I don't think it's that far, if they did the center line of the access road and the two detention basins, just either, two points.

Rich Williams stated you are talking about having the access road for about the first 2,000 feet staked out and then the two detention ponds, staked in their locations.

Chairman Rogan stated yeah.

Board Member Pierro stated I think that would be fine.

Chairman Rogan stated just the two basins, we don't need anything above that that's not impacted.

Board Member Pierro stated its not in the buffer, its not.

Chairman Rogan stated we can get out there and take a look.

Board Member DiSalvo stated part of this property is in the Town of Kent also.

Chairman Rogan stated partial.

Board Member Montesano stated yes.

Board Member DiSalvo stated so they are going through the process there too, with.

Mr. Alexander stated given that you had been the lead agency when the project was originally approved we started here and when we were going to get further along here we will go there but you know similarly we have no wetlands there, so probably the only thing is going to be also the soil and erosion control permit there. So once we get a sense that everything is copasetic with the more of the two issues the larger issue then we will probably go to Kent talk to their, I guess Julie, I don't know who they set up whether Julie has been set up as their erosion control, Julie Butler, the building inspector as their erosion control person or not, I would have to follow up with that as to who they set up there.

Chairman Rogan stated you guys have anything you want to bring up this time.

Board Member DiSalvo stated so this list of people within 500 feet is just the property, is just 500 feet of the property lines in Patterson then.

Rich Williams stated we are going to have to notice the people within 500 feet of the property line in Patterson and the Town of Kent.

Board Member Pierro stated it's Patterson and Carmel.

Board Member DiSalvo stated but these are all people but they aren't on this list.

Rich Williams stated not the property owners, the Town of Kent, the Town Clerk.

Chairman Rogan stated wait a minute, let me just understand that since you brought it up, when we get to a public hearing on this, public hearing says that they have to notify everyone within 500 feet of the public hearing. You are saying that the people that reside in the Town of Kent would not be noticed on that for this, why not.

Rich Williams stated our regulations are only applicable to lands within the Town of Patterson. Our jurisdiction can not extend outside of Patterson so unless the attorneys want to tell me different.

Anthony Molé stated we do notify the Town of Kent because they are an entity within 500 feet of the project.

Rich Williams stated well it is all part of general municipal (inaudible).

Chairman Rogan stated if, forget about this project for a second, excuse me, if it was a cell tower.

Mr. Alexander stated I keep winding up in that position.

Chairman Rogan stated if it was cell tower on this site, if it was a cell tower on the same site and it had implications to those residents in Kent.

Rich Williams stated notice is the same.

Chairman Rogan stated but not to those individual residents so they can have the ability to come to a public hearing why because the Town of Kent also has to have their public hearing.

Rich Williams stated no because that is the way the procedures are.

Anthony Molé stated when there is a property on the border of the Town of Patterson with another town you still only focused on the Town of Patterson and the Town of Patterson residents (inaudible).

Rich Williams stated and I can't tell you exactly why that is other then why it is, I would imagine it is because we don't have ready access to a list of names.

Chairman Rogan stated I am thinking of it from a whole different view point again if it was a cell tower or a project that people could come to a public hearing say from the Town of Kent and bring up valid concerns regardless of whether they are concerns that are specific to the Town of Kent or good concerns overall, whether they be environmental.

Mr. Alexander stated in the, bringing it back just to this, I don't want to talk about the whole overall policy, it's a wetlands permit on a wetland that is clearly in the Town.

Board Member Montesano stated in Patterson.

Mr. Alexander stated that has no connection otherwise to the other Town, playing out your scenario.

Chairman Rogan stated I understand what you are saying.

Mr. Alexander stated it would be different if this property were sloped differently and there was an interconnection hydrogeologically.

Chairman Rogan stated sure.

Mr. Alexander stated but in our case just pulling it back to that and I will let you go back to your conversation regardless, I think that it isn't harmful to the Town of Kent.

Chairman Rogan stated I certainly can understand in this scenario.

Board Member Cook stated Shawn, I wanted to ask Rich, what if it was the reverse and we got the notice, the Town of Patterson, would we notify residents.

Board Member DiSalvo stated no.

Board Member Montesano stated basically you are going to have a public hearing and if someone from the Town of Kent comes in.

Board Member DiSalvo stated or finds out and calls people.

Board Member Montesano stated we'll have to listen to them or they have the option to say something but there is nothing, it is jurisdictional, and our laws stop at the Town line. Their laws stop at their Town line.

Rich Williams stated let me clarify something too that they just said, there is no legal requirement that we would notify within the Town of Patterson, it doesn't mean that the Planning Board or the Town Board couldn't direct the Planning Department, once we've receive notice to actually provide notice.

Anthony Molé stated (inaudible – not using microphone).

Rich Williams stated of the people in Patterson.

Chairman Rogan stated acknowledging that its not this scenario, I am just trying to think of this is a more broad.

Mr. Alexander stated and that is why I'm trying to stay out of it.

Chairman Rogan stated you are very smart, not only do you pick your words carefully but you know when to. Okay, so we are clear though on what we need staked, who is doing the staking out there.

Ms. Evans stated the applicant will do the staking and I will be glad to accompany the Board if you'd like, since this is a wetland permit, I would be happy to be there.

Board Member Montesano stated everyone is a vegetarian we don't need any stakes.

Chairman Rogan stated I um, we normally don't have people from the firms of the applicant.

Ms. Evans stated that's fine I was just offering, if its helpful.

Chairman Rogan stated I appreciate that offer, unless Ted thought it would add something to the site walk.

Ted Kozlowski stated its always good to see Beth.

Chairman Rogan stated I've heard that before.

Ms. Evans stated he likes me to go first that way if its deep muck.

Chairman Rogan stated he has someone to stand on. Well I'll tell you what, we will let you know when we are going to have that site walk after of course you let us know that its staked, we'll set up a site walk and we will have Rich or Ted let you know when it is, so that we can coordinate that, I think that would be helpful.

Ted Kozlowski stated its usually Saturday mornings.

Chairman Rogan stated early.

Ms. Evans stated I am a consultant to other towns and I am used to Saturday mornings early, thank you.

Chairman Rogan stated okay.

Mr. Alexander stated thank you very much, appreciate it.

Chairman Rogan stated thank you, don't forget your drawings. Hey, Rich, the public hearing for Patterson Crossing, did they notify the Kent residents within.

Rich Williams nodded his head.

Chairman Rogan stated really. No I just was.

Board Member DiSalvo stated on the web site.

Board Member Montesano stated people have their own way of finding out.

Chairman Rogan stated not that it mattered, it is just something to think about.

Board Member Montesano stated we didn't notify them (inaudible).

Chairman Rogan stated yeah, it's a good point.

Board Member Montesano stated one thing.

Chairman Rogan stated yes.

Board Member Montesano stated can we possibly get a synopsis of when this thing started and when it got its approvals so that those who were never involved in it would be able to get an overall summary of when this thing got done and how long ago.

Board Member Pierro stated that would be nice.

Board Member Montesano stated if we can ask.

Board Member Pierro stated can we get a synopsis or a history on that project when it was approved and a little bit of a break down.

6) ICE POND ESTATES – Continued Review

Mr. Steve Wise of SW Associates, Mr. Rick LaMontaine and Mr. Joseph Buschynski of Bibbo Associates, Mr. Jeff Ringler and Mr. Chris Fisher of Cuddy & Feder

Chairman Rogan stated okay, we are up to Ice Pond View Estates. Hey Rich, so much for your thought about the chairs tonight, blew it right out of the water, huh. We were packed.

Rich Williams stated it pushed everybody up before they started taking the chairs off.

Chairman Rogan stated that is true.

Board Member DiSalvo stated I know.

Rich Williams stated there was an environmental impact statement on Pondview, I can give to you.

Chairman Rogan stated Mike wants it,

Board Member Montesano stated what.

Board Member DiSalvo stated on Pondview, it would help, a lot of pages, back then I don't know.

Rich Williams stated three or four volumes.

Chairman Rogan stated I don't particularly want it.

Board Member Montesano stated do you want them back.

Chairman Rogan stated good evening, how are you. Please state your name for the record.

Mr. Wise stated Steve Wise, SW Associates LLC, SW Patterson is the applicant on behalf of what we are calling Ice Pond Estates.

Chairman Rogan stated can anyone hear back there.

Audience Members stated no.

Chairman Rogan stated you speak very softly.

Mr. Wise stated I am always accused of that, is that a little better.

Chairman Rogan stated you have to use your outside voice.

Mr. Wise stated I am joined by representatives from Bibbo Associates, Rick LaMontaine, Joe Buschynski, Jeff Ringler, which is an associate of mine and Chris Fisher from Cuddy and Feder.

Chairman Rogan stated its not picking you up sir and we also need it for the minutes.

Mr. Wise stated I apologize, anyway, I guess we were here last April before you and we presented a little bit of history of the site a little bit about who we were and a conceptual site plan which we would like to go back and if there is any preferred order or any areas that you would like covered, I would be happy to otherwise I will give a brief introduction and perhaps go to some more specific comments that had been raised regarding the conceptual plans, that would please the Board.

Chairman Rogan stated that would make sense.

Mr. Wise stated okay, am I doing a little bit better, okay, I'll keep working on it.

Edie Keasbey stated hold that, take it out of the.

Chairman Rogan stated this is years of experience, don't be bashful it's okay.

Mr. Wise stated okay, what we are calling Ice Pond Estates is basically a 151 acre tract that has 3 parcels to it, 2 parcels were acquired by our company just under 2 years ago in 2006, it consists of a 65 acre piece and a 72 plus or minus which straddles this 14 acre parcel which is owned by the Putnam County Land Trust. In 2006 we entered into an agreement with the Putnam County Land Trust that would effectively with a subdivision allow the Putnam County Land Trust to take the 14 acres and be given, what they would end up with is about 78 acres all in green with Ice Pond Estates, the development area representing approximately 65 acres. With that having been done we came to the Board and presented a conceptual site plan so that is sort of the history, that presentation was done again in April, now what we did, just again by way of history with the Land Trust was their knowing the site very well inch by inch it was walked and with guidance from them we came upon a line of demarcation that would basically preserve much of a sensitive areas all in green that actually were most sensitive to the Land Trust, so very carefully taking into consideration contours or views, vistas all kinds of things that were in their purview to protect so the line that we came up with was anything but arbitrary and what it did was to relegate us to this portion of the site, which is closest to the road, not surprisingly and tried to use the overlay zoning that exists present a 30 home subdivision. In addition to what we worked out with the Land Trust was some other protected areas which you can see in orange and in yellow and the orange basically represents an area where no structures whatsoever would be built in and the yellow area would be areas where there would be architectural controls built into our agreement with them, architectural controls such as colors and things so that we could respect the environment and things of the ilk. So at the end of the day we ended up with this white area and taking a. So in essence, its hard to see in the back but heavier orange line representing the boundary of the Land Trust property and ours, so you see how all development is relegated down to that portion of the site and we came up with Bibbo Associates on a subdivision plan in concept that took us a little bit of time but tried to take advantage of many of the features of the property in the most efficient way, we went out and we study terrains and soils, we did a lot of different tests, delineated wetlands and came up with an efficient roadway plan where it is all double loaded and tried to be sensitive to impervious coverage and things like that. Our homes are not designed at this point in time, they are represented on here as illustrative only, and however our goal is to provide an architectural plan for each building site that would accommodate both traditional colonial homes as well as home that can accommodate masters on the first floor for a different population segment that isn't really served well in the area and in doing that we can be sensitive to roof lines that might open up more space and you know have less municipal impact in other areas. We are trying to sensitive not just to the environment but municipal impact and things along those lines. So going back to April of this year we were asked to I guess do a few things, the first was to verify with Mr. Kozlowski, that the wetlands that we had represented to you as delineated were in fact appropriate, I think that at this point we are in parallel or at least in sync for the most part, I understand that to be the case, that is one of things that we were to do and have done. We were also asked by Mr. Williams to produce a copy of the contract with the Land Trust which we have also done and hope that you've had an opportunity to review that as well. I see you hand but I don't think I'm taking questions although I am happy to follow any procedure that you'd like.

Chairman Rogan stated ma'am this isn't a public hearing.

Mr. Wise stated following on that I guess the Board and staff wanted to take a site visit and that occurred, I think in August, that produced comments, suggestions and concerns and since that time we have been working to come up with a plan that as best we can at this point in time takes into consideration some of those comments and concerns, I am not sure we have satisfied all of them I am quite sure we have not but we've yet made an effort to do that. We understand that a report was written and distributed today, again with further comments and that having been the history I would be happy to turn it over to Rich

LaMontaine from Bibbo and if you'd like we can go through the comments at least in some preliminary form or more if you'd like and I guess our ultimate goal as stated in the staff memorandum that we go to preliminary application and work with you to bring this to fruition.

Chairman Rogan stated thank you.

Mr. LaMontaine stated good evening.

Chairman Rogan stated good evening.

Mr. LaMontaine stated my name is Rick LaMontaine, I am with Bibbo Associates. Steve set me up pretty good as far as the comments from the site walk, we believe we did, you had individual comments for each lot and I would say about half the lots were, can you tweak this house, get it off this stone wall, a lot had to do with stone walls and the larger boulders out there. We went out located the extra wide stone walls, the bigger boulders as requested and we have them on a plan that we submitted to you and we tried to as best minimize the impact on those. I don't know if we need to go through lot by lot what we did that is just a blanket view of what we did. We did move I would say $\frac{3}{4}$ of the lots to accommodate those stone walls. The letter today we received has some issues that I want the Board to give me some feedback on which direction to go in, one of, well, at first the A & B of the letter is submitting a preliminary application with an EAF and it is our intent to do that, our next step. We want to have a little more feed back from the Board on if this layout is going to, to put in a full EAF, full drainage study, we need to know if this is the way everything is going to flow. The zoning requirements, there are a few things that I believe we are going to sit down with Mr. Williams and clarify, like just for an example, number 4 under C, the road frontage, I didn't find anywhere in the Code and I might have just missed it, it does say in the Code that road frontage on a corner lot followed both roads.

Rich Williams stated no.

Mr. LaMontaine stated yes it does, 154-12, says that but as the definition of where you get your frontage from, do that change the whole.

Rich Williams stated road frontage is defined as that property boundary that you get your access from. Everything else is considered a front yard but not frontage.

Mr. LaMontaine stated it also says the continuation of that line along the street that it fronts on.

Rich Williams stated well we can sit here and debate it.

Mr. LaMontaine stated that is why we have to get together and talk about it, clarify these couple of items. The layout, again we have to sit down and found where lot 30 doesn't apply, you have mentioned to leave large track areas, large areas of open space, the reason that we put it all the way over here is because it is one continuous, looking at the green over there that is over the amount in the overlay district, we'll have to come up with a definition of how the overlay district lot group as you put it, group development is defined. The streetscape, we are proposing three houses here that are with 70 feet of Ice Pond Road, these two are approximately 40 feet, we also in our preliminary subdivision application will be proposing areas of landscape screening, not only to block and protect the streetscape but to beautify the entrance into this subdivision. Steve touched on the house sizes, this is not a designed house, this is an approximation. There are a couple of other things that we need to sit down with Mr. Williams on and items 7 through 11 are, we will certainly agree to do, moving forward.

Chairman Rogan stated do you want to talk about six, the historical.

Mr. LaMontaine stated six we will have, we will find a company, we have already been in talks with two separate companies to come out and look at the site.

Chairman Rogan stated I actually want to get back out to the site, the first time we site walked it I didn't get a chance to see the foundation that Mike, that you were talking about. It is a large site and it took us quite a while walking around and I think sometimes you feel like your head is spinning after you've left the site like that, there is so much to see up there. We discussed in the memo and you've mentioned the rock walls and I don't think I've ever seen stone walls in Putnam County as wide as the main stone wall that runs along this site, it has to be average of over 10 foot wide.

Mr. LaMontaine stated it is 12 foot in wider sections.

Chairman Rogan stated it is unbelievable how wide this stone wall is, I've never seen anything like it. while I can certainly appreciate not wanting to certainly lose any lots, this seems to be something so significant, that everybody I've asked has never heard of such a thing and that we want to at least look into that. I know you've moved some lots around and I appreciate that because that is something that is so unique, it is something that kind of gives it everybody an idea of Putnam County, we have all these beautiful stone walls, it is very, very unique and its on this site and I think that is something worth trying to protect and maybe finding out a little bit more of the history because it is really fascinating.

Board Member Cook stated when you sit with Mr. Williams, there is also a March 29th memo that you need to review.

Mr. LaMontaine stated the memo that came with the site walk notes.

Rich Williams stated they already have that (inaudible).

Chairman Rogan stated that is the one they were.

Board Member Cook stated okay.

Rich Williams stated if I could just step in there, Ted's taken the microphone. Item number seven has to do with common driveways and I am more then comfortable talking about the procedural aspects of dealing with common driveways but ultimately where the common driveways are going to be permitted on the site is an issue. It's a policy issue before the Planning Board and they are the ones who are really need to weigh in on that whether they find them acceptable or not acceptable and how they want to treat those individual lots.

Chairman Rogan stated in other projects in one other that Bibbo Associates has been involved with, we have allowed common driveways on Couch Road.

Board Member Montesano stated Couch Road.

Chairman Rogan stated and that was with very specific intent to reduce impacts to mitigate concerns for traffic and streetscape so I what I would say any common driveways approved by this Board would follow suit that they would be for a specific reason and not just to increase lot count.

Mr. LaMontaine stated well our original submission had individual driveways to all these lots and to preserve the boulders and the stone walls we've joined a couple of those driveways to minimize the impact.

Chairman Rogan stated we have to start looking at the individual lots, thinking about this conceptually from the whole project so I admittedly haven't looked at the layout too closely at all these. But you are looking specifically lots 7 and 8 and five and six.

Mr. LaMontaine stated five and six.

Chairman Rogan stated are those the only lots shown with common.

Mr. LaMontaine stated yes.

Mr. Wise stated if I could just answer that, I don't think I need this that, I can just yell it out.

Rich Williams stated no.

Chairman Rogan stated we need it for the record.

Mr. Wise stated Steve Wise, when we approached first time conceptual, we said that there would be no variance we would be seeking for the site and at that time we did not have the shared driveway, so in this particular concept plan that is a variance, as Rick mentions it tried to address concerns of contours in that area, so it was for a specific purpose. But to be clear if it that concern or any other concern as the applicant we will work with the Board and staff and whatever sensitivities there are about the site, very simply stated.

Ted Kozlowski stated Mr. Chairman.

Chairman Rogan stated since we are early on in the process and I don't know if we spoke about this on the initial application but we like to throw out some ideas early on that we are going to talk about in greater detail. One of course is about fire protections, we need to talk to our Codes Enforcement Officer to get a recommendation on this but it looks like with this plan you are probably be 30,000 gallon tank on this site.

Board Member Pierro stated maybe more.

Chairman Rogan stated but be thinking about that and we will be reaching out to him and just know that is something that I'm sure will be require. Oh the other thing was that we have been pushing with subdivision that when we approve a site plan and a subdivision we are looking at useable area for the house, that that plays in heavily because the last thing we want to do is approve a subdivision, the house gets built, the people move and three months down the road or a year down the road they are at the Zoning Board because they want to put a pool in the backyard, we have kind of indicated that is poor planning. So we are going to be looking for you to analyze each one of these lots and make sure that you are planning for normal typical uses of these lots, you know a shed in the backyard.

Board Member Pierro stated jungle gyms, whatever the case may be.

Mr. Wise stated on that particular point you were very clear in that regard when we first appeared before so we are aware of that, we do have site constraints, how many lots ultimately will be able to have a pool is probably on the lower end of the percentage but you were clear about that point.

Chairman Rogan stated okay great.

Ted Kozlowski stated Mr. Chairman.

Chairman Rogan stated yes.

Ted Kozlowski stated I would like to chime in on that and I've said this at the previous meeting, I'm almost certain, please do me a favor and this town when you are looking at this sites, look at it as if you were going to move there, we see a little box and a septic that conforms around the shape of the wetland buffer and all that. There is one lot I am looking at right now, they walk out the back door and they are in the buffer zone, when you design these houses, consider the garage, the patio, the deck, the things that everybody wants in today's world. That is not shown on these plans and I am looking at houses right now that on those plans that once they are built as is, those people are coming back and I am going to have a conflict with them with regard to what they want to do there and wetland regulations. So when you are designing these things out, make sure Rich has noted it as number eight on his sheet. We have learned the hard lesson in previous big subdivision such as this, it fits on a piece of paper and the drafting table but in the reality it doesn't work and we get faced with Shawn just said, permits for everybody wants a pool, everybody wants a garage and the shed and whatever it is, make sure that you are putting the room because we just don't want to go through this anymore.

Mr. LaMontaine stated we definitely understand that and we don't know as far as the septic areas, this is the area that I use and these are over sized septic areas for these lots.

Ted Kozlowski stated right.

Mr. LaMontaine stated is it going to move one way or the other, yes and when I move it I will move it with the thought of possibly a pool here or a shed.

Ted Kozlowski stated the site is what it is you have to work with the site and if you are trying to squeeze it might not just work in some instances. It is better to back off and give a bigger lot or whatever it is, I know I am beating a dead horse here but I'm the guy who has to go and enforce it and disappoint the property owner who paid a lot of money for a house and they don't have a lot of useable land and I just want to make it very clear early on in the process.

Mr. LaMontaine stated you got that point across last time.

Ted Kozlowski stated good.

Mr. LaMontaine stated and we defiantly understand that because we don't want that either, you know, the property value would be.

Ted Kozlowski stated been there done that guys, make sure.

Mr. LaMontaine stated okay, certainly.

Chairman Rogan stated and we won't have any stormwater practices running through back yards

TAPE 1 ENDED

Chairman Rogan stated I was waiting, I didn't want to get in trouble with Michelle, see I might think I'm the Chairman but I know who the boss is around here.

The Secretary laughs.

Chairman Rogan stated what we are specifically talking about is that we have had other projects where the Planning Board, we think we do a pretty a good job and we feel like we've got things down to where we like them and then the project will get sent down to the DEP or to another agency and they come back with, and it has happened on many subdivisions, Couch Road came back with a significantly different plan then what we had envisioned because of stormwater practices.

Mr. Wise stated yes.

Chairman Rogan stated and I understand that it is easy for us to say change this on a piece of paper and it makes headaches for the engineers and I understand that but that's we will do anyway. So what we want to avoid is where we have stormwater easements and drainage easements going say between the house and the septic system in the backyard so in variably there is no backyard because there is no place that people can use for other then on top of the grass so let's also be cognizant of those types of issues and hope that we don't have anything like that.

Mr. LaMontaine stated certainly normally try, to have, if we are coming down in between it is along the property line, so they are not going to use that area anyway.

Chairman Rogan stated it sounds reasonable.

Mr. LaMontaine stated we will be there next meeting, you know.

Chairman Rogan stated okay, fair enough.

Mr. LaMontaine stated we will come and you will see what we are going to propose as far as drainage.

Chairman Rogan stated great.

Mr. LaMontaine stated again that will be the first shot before DEP gets it.

Chairman Rogan stated sure.

Board Member Pierro stated we briefly touched on fire suppression and again we have to speak with our consultant but location of those tanks is going to be key. The only place that I see available now are the centers of the two lollipops which causes a problem because when there is a lot of snow on the ground there is going to be limited access. We may have to look at a location on or maybe a couple of locations on property that may have to be open space or turned over to the Town.

Board Member DiSalvo stated or a building lot.

Chairman Rogan stated yeah. Oh yeah, they might have to cut a little bit out of a building lot.

Board Member Pierro stated so.

Chairman Rogan stated let's talk to Dave on that and get a recommendation.

Board Member Pierro stated yeah, so, keep that in mind when you are kicking that around.

Chairman Rogan stated okay.

Mr. LaMontaine stated certainly.

Chairman Rogan stated excellent.

Mr. LaMontaine stated and that property is not an easement, it is given to the Town for maintenance.

Board Member Pierro stated what did we do with Procelli's.

Rich Williams stated typically the recommendation is any utilities are placed on an individual lot which are donated or given over to the Town because we want to keep them in perpetuity.

Board Member Pierro stated and on a quick note we have been satisfied in the recent past to put individual tanks in the ground with just a hydrant and a fill pipe and we have the fire department supervise the maintenance on those.

Mr. LaMontaine stated okay.

Board Member Pierro stated so they fill them when they take the water out and they check them on a regular basis. So we are not talking about drilling wells usually for, to supply those tanks.

Mr. LaMontaine stated okay.

Chairman Rogan stated okay, does the Board feel comfortable tonight, we can do a classification on this subdivision, it seems pretty straight forward, anyone want to do that motion.

Board Member DiSalvo stated in that matter of Ice Pond Estates, I move that the Board declare this a major subdivision.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated anything else we can do.

Mr. Wise stated if there is a process that you would like us to follow in working with staff or other, we are happy to do that, obviously we'd also like up front to do as much as possible with whomever is going to have bearing.

Chairman Rogan stated sure.

Mr. Wise stated so we would appreciate that as well.

Chairman Rogan stated and our consultants are very good about letting us know when they need a site down with your consultants so, they do that quite regularly, so they'll speak up as well.

Mr. Wise stated okay, good, thank you very much.

Chairman Rogan stated thanks very much.

Mr. Wise stated happy holidays.

Chairman Rogan stated thanks, you too.

7) TRACTOR SUPPLY SITE PLAN – Continued Review

Mrs. Theresa Ryan of Insite Engineering and Mr. David Ede, representing Tractor Supply, were present.

Board Member Pierro stated gentlemen.

Board Member DiSalvo stated Dave, don't mess with them.

Board Member Pierro stated I don't care, I'm not afraid.

Chairman Rogan stated Theresa has to come and put up her plans anyway.

Board Member Pierro stated (inaudible), late night.

Chairman Rogan stated felt that way before we got in there.

Board Member Pierro stated come on Theresa.

Mrs. Ryan stated yes.

Chairman Rogan stated Tractor Supply, good evening Theresa.

Board Member DiSalvo stated happen to mine.

Board Member Pierro stated open this one (inaudible).

Chairman Rogan stated yeah.

Board Member Pierro stated Gene is (inaudible).

Chairman Rogan stated we don't usually have meetings this long.

Board Member Montesano stated they supply tractors.

The Secretary stated you've got another 90 minutes.

Chairman Rogan stated tonight is one of those nights.

Board Member Pierro stated yeah, what are we going to tell you.

Mrs. Ryan stated site walks.

Board Member Montesano stated maybe put the (inaudible) section in here.

Chairman Rogan stated okay, let's bring this back to Tractor Supply. Let's get everybody filing out.

Board Member Montesano stated in this place.

Mrs. Ryan stated is this on.

Chairman Rogan stated do a test, yeah its on.

Mrs. Ryan stated okay.

Chairman Rogan stated hi Theresa.

Mrs. Ryan stated Theresa Ryan from Insite Engineering and I have with me David Ede, David is representing Tractor Supply, he does, he represents them for a number of sites around the County.

Chairman Rogan stated David weren't you here for the intial.

Mrs. Ryan stated yeah, he was.

Chairman Rogan stated you helped give the information on Tractor Supply, okay I remember, great.

Mrs. Ryan stated right, so he is constant contact with them and he keeps them up to date on the plans that we have been presenting to the Board and he can answer any questions relative to Tractor Supply's request.

Chairman Rogan stated okay, we had a rather interesting couple of weeks with this site. You had a meeting with Ted and Rich and the wetlands consultant, you want to start right there because that impacts this the most.

Mrs. Ryan stated yeah, as it turns out there is potential bog turtle habitat in a portion of the site that we know for sure and since we last met with this Board, we submitted another plan that shows the topography and the wetlands for the remainder of the site. The fin is actually in this area right here, so the latest concept that we submitted to the Planning Board respects 300 feet from that fin area.

Chairman Rogan stated wow.

Mrs. Ryan stated this dotted line is the proposed limit of disturbance line for the project as it stands right now. That is 300 feet from this edge of wetland which is the edge of the fin area and what the applicant has committed to do is since we already know where the potential bog turtle habitat is and we are going to respect that on that part of the property. There is also a slim possibility that there is something in this part of the wetland and there is a little piece behind Putnam County National Bank, that looks like there may be something there too or it could qualify as habitat. So the applicant has committed to having his wetland consultant do a study, a phase two study in the spring, he has to do it in April, May and June. That is Mike Newicky and he is always putting together a functional analysis of the wetland and how this project will impact any or all of the wetlands on the project and we will be submitting that probably at the next submission date which I think is a half and a half.

Chairman Rogan stated it goes quick this month.

Mrs. Ryan stated yup.

Chairman Rogan stated so from what Rich and Ted had presented about that meeting and the impacts for these new concerns, it sounds like the secondary lot, there is not a whole lot that we can use that for at this point in time or at least until we decide where the impacts, we will all the impacts will come from because we don't have access to it on this current set of plans, correct.

Mrs. Ryan stated right.

Chairman Rogan stated we have an existing structure on it, we have a barn on it.

Mrs. Ryan stated we don't know how it is going to be developed so.

Chairman Rogan stated okay.

Mrs. Ryan stated we are not showing anything relative to propose improvements on that lot. We don't know if it is going to be eventually developed and get a wetland permit to get access to the upper part of the property because there is potential for this part of the property to be developable.

Chairman Rogan stated sure.

Mrs. Ryan stated if they can get access to it.

Chairman Rogan stated if they can get to it.

Mrs. Ryan stated the 300 feet would almost touch the 100 foot adjacent area for this wetland but if the applicant could get a permit through the 100 foot adjacent area here to get access to the back part of the property then he may pursue that. Alternatives are to maybe offer the land for dedication to open space preservations.

Chairman Rogan stated sure.

Mrs. Ryan stated I mean there are other options, its not necessarily you know dye in the wool that he's going to develop that land, he doesn't know right now what he is going to do with it.

Chairman Rogan stated sure.

Mrs. Ryan stated but in order, Tractor Supply, their requirements are that the property that they are going to put that facility on has to be in a subdivision so they want to subdivide it. They wouldn't accept a lease agreement.

Chairman Rogan stated so what you are saying here is that they wouldn't build here if this was a 45 acre parcel or whatever the case may be.

Mrs. Ryan stated they didn't want the additional land.

Mr. Ede stated when I returned from the Tractor Supply summit in October, they made it clear to me that have a 20,000 square foot facility on over 50 acres of land was just too much liability and that they didn't want to take that on and the project actually stalled with the subdivision question, if we couldn't get the subdivision. They made a decision and here we are looking for a subdivision.

Chairman Rogan stated yeah, Anthony does the Planning Board approving a subdivision with no shown or proven access or use to that property other than passive recreation, does that create a situation where we are then more obligated to approve waivers or less than standard conditions. In other words are we creating a situation where we are obliged to allow some use of that property.

Anthony Molé stated I don't understand your question, if you designate a portion of the subdivision as recreational use only, is that what you are saying.

Chairman Rogan stated the entire lot right now, if we were, just for the sake of argument, if we were to approve this project as it is right now as a subdivision with the Tractor Supply, we don't have any shown use, not use I'm sorry, access to the back portion, the 40 some odd acres, by virtue of that subdivision though are we tying ourselves into anything. I'm not sure I'm asking the question right but I don't know if you understand.

Rich Williams stated could I.

Chairman Rogan stated yeah please.

Rich Williams stated essentially what they are proposing here is creating a subdivision lot which by virtue of the environmental constraints will not be developable in the future and.

Chairman Rogan stated or may not.

Mrs. Ryan stated well.

Rich Williams stated and does not have and sufficient access as it stands right now.

Ted Kozlowski stated the other thing that I add, if I heard you correctly Theresa is that if that subdivision goes as is, the only way they are going to access it is by having to get a wetlands permit to access it and that is basically forcing us to give you that access because if we don't allow it.

Rich Williams stated you've created a lot.

Ted Kozlowski stated we are subject to, well we allowed this subdivision.

Chairman Rogan stated now we are not allowing you to access it, yeah.

Ted Kozlowski stated now we are not allowing the subdivision. I personally sitting here as the wetland guy, I don't like this, I'm sorry but that is forcing us to allow a wetlands permit without even knowing what is going there.

Chairman Rogan stated that's kind of the context of my question.

Anthony Molé stated what is the potential use of that portion of the property, I would imagine that the regulations.

Chairman Rogan stated if we have any restraints.

Anthony Molé stated are only going to get more restrictive not less restrictive so, what is the use of that property now.

Board Member Montesano stated (inaudible).

Rich Williams stated it is zoned C1, it's a commercial use but.

Anthony Molé stated right but as far as development.

Rich Williams stated because of the potential for bog turtle habitat and the regulated wetlands and the 300 and 100 foot buffer respectively.

Anthony Molé stated it is very challenging.

Rich Williams stated you may not be able to get, you may not have any land out there to develop or if you do, it may be just a very small area, maybe an acre or two on a knoll that is pigeon holed and the only way to get to that area is by virtue of driving or putting a road down through a buffer and/or a wetland and buffer.

Anthony Molé stated the only issue I can see that may be unavoidable in creating that situation is that there may be an easement by necessity or something that they can use to gain access to the property, it doesn't mean that they can develop it and you are not de facto approving the development of the portion of property just by approving this plan. Especially if it challenged in the manner that everyone is saying it is challenged.

Chairman Rogan stated yeah, because kind of going back to what Ted said, in the Planning process if we had an individual lot, this was still one lot and they came in and they needed some variances or something to make it fit, we'd say at least we are allowing the use of this property, it is one lot. Now we are allowing a use which hopefully fits but we are also creating another lot here that might not have a use. That is just a concern that I don't want to get stuck in where.

Anthony Molé stated there is not use proposed for that portion of the property now.

Chairman Rogan stated right.

Anthony Molé stated right, as far as SEQRA is concerned, we have to avoid segmentation to consider what the future use of that property would be.

Ted Kozlowski stated there is not use proposed.

Chairman Rogan stated which is why we talked about a septic system, access, prior to this bog turtle situation, we were looking at those issues, so that.

Anthony Molé stated is there any representation made by the owner as to what the future use of that property would be or potentially be.

Chairman Rogan stated doesn't sound like it.

Mrs. Ryan stated it's a guess.

Chairman Rogan stated you know.

Rich Williams stated which is why initially, you know my direction was they needed to show topography, they needed to show the wetland boundaries we needed to have at least a comfort level that they could get access a well a septic and a small building so at least there would be some potential use. It may not be a full build out but at least we would have something to hang our hat on that you know this is what could be built out there and we could do the environmental analysis of the overall subdivision based on that.

Chairman Rogan stated I just don't want to create a situation where we feel like, now we created the lot we've got to allow it to be.

Board Member DiSalvo stated to allow access.

Chairman Rogan stated because if that were the case, I mean, despite what the gentleman said I would leave it as one lot and then they've got the use on the lot with open space or whatever the case may be in the back.

Rich Williams stated supposed we put in very big letters, notes on the plat acknowledging that there may be no development potential on this lot, essentially.

Anthony Molé stated so there is no future use proposed.

Chairman Rogan stated so then I guess I go back to the point why do we then allow it to be a subdivision, I mean unless the Code says that you can subdivide the lot for passive recreation.

Board Member Montesano stated yeah.

Rich Williams stated yeah and this is, we could do that, we could subdivide it off just for passive recreation, that gets into a whole policy thing, is this Town willing to do things like that to subdivide a piece off just so it is going to remain passive recreation, open space.

Ted Kozlowski stated how do you access passive.

Rich Williams stated you can have an easement going through that is strictly for pedestrian walking purposes.

Mrs. Ryan stated pedestrian.

Ted Kozlowski stated and the parking.

Board Member Montesano stated Anthony.

Ted Kozlowski stated how do they get there.

Rich Williams stated on foot.

Board Member Montesano stated Anthony, if we subdivide a piece of property into two lots, the person comes in and if we subdivide and we've done this I believe, where we have no idea what is going on the property, so we subdivide the two lots. Now the person comes in and develops lot one, no problem, the person comes in to develop lot two and he can not put his type of development on that lot. We are not going to be held accountable that we subdivided into two lots, in my opinion.

Anthony Molé stated no it would be a new application, a second application, you would review it just as you would have reviewed the first application. Really, you can explain this better then I can, is that lot land locked, as a result of this, in other words, how would they possible gain access other going through the lot you are creating.

Mrs. Ryan stated we are showing, no that's it. We are showing an access easement here.

Anthony Molé stated okay.

Mrs. Ryan stated and we would be pursuing a 280 A.

Anthony Molé stated okay.

Mrs. Ryan stated for that access because there is absolutely no way to come across this wetland here.

Chairman Rogan stated but where your access is shown Theresa, it goes right through that 300 foot buffer that you were just talking about, doesn't it.

Mrs. Ryan stated this easement.

Chairman Rogan stated yeah.

Mrs. Ryan stated yup.

Chairman Rogan stated yeah, so it is not a matter of where you were showing over before where there was a narrow strip between the 300 foot and the 100 foot, you are now away from that, correct.

Ted Kozlowski stated and the question I have Shawn is, even if that is passive recreation which is a nice thing but who is going to use it, how are they going to access it is Tractor Supply going to allow a family to park in their parking lot to walk into that site. How is somebody going to get into that site.

Board Member Pierro stated this gentleman already said that Tractor Supply's policy not to allow that, correct, sir.

Mr. Ede stated this question has already come up with Tractor Supply's legal department, the agreement between the property owner and Tractor Supply is basically giving Tractor Supply 100 percent veto power over any use in the back, unless it is something that they have absolutely no problem with. To come here and say here is the list of things they would at this point.

Chairman Rogan stated right.

Mr. Ede stated and things that they wouldn't approve, but they have made it perfectly clear that anything back there has to have an approval.

Anthony Molé stated that gives them veto power but that doesn't necessarily guarantee what they would allow and what they wouldn't allow.

Mr. Ede stated that is correct.

Chairman Rogan stated but the reason that I would object to the access shown is because it goes into an area where it is much more impacted then what you had just spoken about before which would be the access between the 300 and 100 foot which is closer to [Route] 22.

Mrs. Ryan stated right.

Chairman Rogan stated so if that is not a reasonable access point then it would, I don't think we should rely on it for the Tractor Supply site plan.

Anthony Molé stated you are approving the access to that.

Chairman Rogan stated right.

Anthony Molé stated property now, so that needs to be taken care of at this point in time.

Chairman Rogan stated so that would be, yeah.

Mrs. Ryan stated how far would you have to go with that, would you have to get permits for something that is not even designed yet.

Anthony Molé stated well you are proposed it on the plan.

Mrs. Ryan stated we are proposing an easement not the actually access construction.

Anthony Molé stated so where does the easement end.

Mrs. Ryan stated it ends at the boundary line.

Anthony Molé stated at the boundary.

Mrs. Ryan stated the common property line between the two lots, it would end right here. I understand what Shawn is saying that you know if this is the 300 feet and this is the 100 feet, then we should maybe take a look at realigning this access so it comes on this side of the property instead of within the 300 foot because we know that is not something that we can impact, that 300 feet. So we would have to realign the easement somehow, if Tractor Supply would be amendable to that.

Ted Kozlowski stated but Theresa is that then going to the 100 foot buffer on the other side.

Mrs. Ryan stated right.

Ted Kozlowski stated but see that is my point.

Chairman Rogan stated yeah, anything you do you're screwed.

Ted Kozlowski stated but now we are at the 100 foot buffer, that is still the regulatory zone of a wetland and if that is the only way to get in.

Chairman Rogan stated that's not good planning.

Ted Kozlowski stated we are boxing ourselves in, the next property owner could only go in through the property in front.

Chairman Rogan stated yeah.

Anthony Molé stated that is my concern, if this Board approves the plan and they show.

Ted Kozlowski stated then it's a no.

Anthony Molé stated and they prove an easement okay, the plan showing an easement going through right where it is right now and someone comes in the future to do something with that lot, the Board may.

Chairman Rogan stated you have to approve it or rezone it.

Anthony Molé stated have no recourse to approve the access at least.

Chairman Rogan stated I would agree with that.

Ted Kozlowski stated they said heres the permit.

Chairman Rogan stated I would agree with that logic, are we then saying that we close our eyes to that back lot and not show any access to it and then approve it and say there are no guarantees with that.

Anthony Molé stated then you are creating a landlocked lot.

Rich Williams stated yeah.

Chairman Rogan stated yeah.

Board Member Pierro stated can we legally create a landlocked lot.

Chairman Rogan stated it seems like.

Anthony Molé stated it's a problem I think, I would have to research it because I think there is potential that if the Planning Board creates a landlocked lot, you may have some duty and some future time if they wanted to develop it to work with them to get access.

Rich Williams stated then you are also assuming.

Chairman Rogan stated it isn't landlocked, it does border [Route] 22.

Board Member DiSalvo stated [Route] 311.

Rich Williams stated yeah but its swamp.

Board Member Pierro stated but that is going through wetlands.

Chairman Rogan stated I am not saying for access I am just saying that it is not landlocked.

Mrs. Ryan stated but according.

Ted Kozlowski stated yeah but the other thing Shawn is that we are assuming that DEC who also regulates that will allow access to the (inaudible). Now how is to say ten years from now we find a spot in whatever that is endangered.

Chairman Rogan stated yeah.

Ted Kozlowski stated its just, there are so many variables and we have been bitten by this in the past on other projects.

Chairman Rogan stated that is why it seems more logically to leave this as one lot and do the project but I don't know. Wouldn't it see more logical to just leave this as one lot.

Mrs. Ryan stated is there a project.

Chairman Rogan stated and then allow the subdivision if they can prove at that time that it gets the necessary.

Rich Williams stated you can do that, I mean, certainly one of the things they are going to do in the spring is they are going to do the analysis for the bog turtle habitat and see where it is and that may dictate where the 100 foot and 300 foot buffer are and if it's a better idea you know exactly whether the lot is buildable or not.

Chairman Rogan stated yeah.

Rich Williams stated but that means delaying for six months.

Chairman Rogan stated what it means is we can continue on along this path but I don't want to get stuck in something, that is what happens, you start to invest a lot of time and energy in something that you are not comfortable with.

Rich Williams stated then I would make it very clear to the application that if he can't meet certain thresholds, criteria, for example, if he can't show a building on or reasonable access or a location for a building that you are not going to be inclined to approve this subdivision so that we don't get all the way to the end and him coming down saying.

Chairman Rogan stated well, how does the rest of the Board feel about this situation.

Board Member DiSalvo stated well.

Board Member Cook stated well I share your concern with the second lot there, I mean I don't, it just doesn't make sense.

Chairman Rogan stated I think that we would be pigeon holing ourselves into something two years from now.

Board Member Cook stated right, exactly.

Board Member Pierro stated right.

Board Member Montesano stated exactly.

Board Member DiSalvo stated (inaudible).

Mrs. Ryan stated it was the applicants intention to take the risk and move forward with the project and have us develop preliminary plans for the Tractor Supply site, between now and the spring.

Chairman Rogan stated sure.

Mrs. Ryan stated and so, I think we need to get something more definitive from the Board on whether the Board would approve this subdivision or because its my understanding that if the subdivision is not a possibility then the project is probably not a possibility. So we would like to get some input early on about which way you are going to relative to the subdivision so that we can make, so Tractor Supply can make a determination so my client.

Board Member Pierro stated you had alluded to other avenues to obtain access to that back lot earlier. I thought I heard you say.

Mrs. Ryan stated it has to go through this site.

Board Member Pierro stated it has to.

Mrs. Ryan stated yes, off of [Route] 311. The wetlands are too extensive along [Route] 22.

Board Member Pierro stated the wetlands behind Putnam County National Bank parking lot.

Mrs. Ryan stated that is potential bog turtle habitat behind the back.

Board Member Pierro stated okay.

Mrs. Ryan stated that is going to be studied in the spring.

Chairman Rogan stated see the problem I am having and we rely heavily on Ted for these kinds of, for input on this, if you are showing us access between, outside of the 300 foot buffer.

Mrs. Ryan stated right here.

Chairman Rogan stated but that you had to go through the 100 foot buffer of the Town wetland, Ted would probably say he is not in favor of it, its not a good idea to do a subdivision that requires access. We are going to sites all the time that we have to, Pondview is one of them, now we have to look at wetlands impacts but we are not looking at the subdivision today, if that is the only access to a site to use the site for something we consider it. Here we are not looking at that, we are looking at that we are using the site for something, now we are looking at adding an impact and I don't know if I would be in favor of a wetlands permit or going through that area in the back.

Ted Kozlowski stated I wouldn't either and the other things is that there are so many unknowns here, you know, its' this is shaky ground and I am not comfortable with this.

Chairman Rogan stated I agree with you.

Anthony Molé stated because you can't approve the wetlands permit just them showing the easement (inaudible).

Chairman Rogan stated right.

Ted Kozlowski stated you are also making the assumption that another agency that also has jurisdiction here is going to go along with you approving this. There are assumptions that we made and it is a questionable lot to begin with, once to subdivide it.

Board Member Cook stated Theresa have you spoke with anyone at DEC.

Mrs. Ryan stated Mike Newicky has been dealing with them and he was the one who was going to spearhead the application to the DEC for this buffer disturbance in the front because that is a given.

Ted Kozlowski stated Theresa, if you do the subdivision, we do that lot, I don't see how it is going to hold up where future somebody comes in and says look I've got to go through the buffer to develop this because.

Chairman Rogan stated you guys approved this lot.

Ted Kozlowski stated back in 2007.

Chairman Rogan stated you had to approve it knowing that I wanted to do something with it.

Ted Kozlowski stated and our whole regulatory.

Chairman Rogan stated yeah.

Board Member Montesano stated down here.

Chairman Rogan stated I don't know.

Ted Kozlowski stated position is compromised.

Board Member Montesano stated well.

Mrs. Ryan stated and if its determined that the applicant will be donating that land to open space and finds another access because the FROGs owns property on the other side, there is a NYSEG property here, Mr. Raveson owns on the other side of that and on the other side of that is FROGs property. If there was some way to gain access from another property to get to this.

Chairman Rogan stated for passive recreation.

Mrs. Ryan stated right.

Chairman Rogan stated I can't imagine anybody on the Board would be opposed to that, we are not looking at any impact you know vehicular traffic or anything.

Mrs. Ryan stated then this easement would even go away.

Chairman Rogan stated and that probably seems like a logically way to proceed with this but I can't guarantee what Mr. Raveson wants to do with this.

Mrs. Ryan stated I can't either.

Chairman Rogan stated but that seems like a reasonable way to proceed.

Board Member Cook stated that's better then what's up there.

Mrs. Ryan stated excuse me.

Board Member Cook stated that is better that what is up there, what you just described.

Mrs. Ryan stated yeah.

Chairman Rogan stated I can't imagine that.

Board Member Montesano stated it can't get clearer then that.

Chairman Rogan stated Ted that you would ever get approvals to go through once there is confirmed bog turtle habitat, I can't imagine with the endangered species active, they are ever going to give permits to through that. Now you are looking at the other side which is the Town wetland piece.

Ted Kozlowski stated and we don't know, we still don't know that that first wetland has bog turtle there, probably not and we still don't know that answer so we are going into this with a lot of unanswered questions.

Chairman Rogan stated yeah.

Board Member Montesano stated and we are going to have to make a decision where if one of these comes out in their favor it would be a lot easier to push the thing through but if it is going to keep doing this we are in the mist, driving at 50 miles per hour in the fog and taking a hell of risk.

Chairman Rogan stated I love the.

Board Member Cook stated his analogies.

Board Member Montesano stated I can't describe it but that is exactly the way I feel.

Chairman Rogan stated yeah, that's good. Theresa I would say that I would not be in support of subdividing this parcel if we can't get clean access to it without having to get all kinds of wetland permits because I don't think that, it goes back to root of what we've talking about with good planning and creating a lot that then you have to access through. I think a reasonable use of this piece of property is just what you are showing, minus the, you know, I am not saying that it all fits the way it is shown but it is a use of the property. Does it all fit, maybe not yet at this point but we can work on that but this subdivision portion of this I am having a little bit a problem with because we haven't proven that we can provide access, it isn't going to go through these sensitive areas. That is kind of my take on it.

Board Member DiSalvo stated who owns the property on the other side, the other side of the property line.

Chairman Rogan stated on that.

Mrs. Ryan stated which one, this one.

Board Member DiSalvo stated the southern parcel.

Mrs. Ryan stated one is Clancy Properties and one is JRS Pharma.

Chairman Rogan stated so you are thinking, is it possible that they have access through those lots and could utilize.

Mrs. Ryan stated yeah that pharmaceutical company.

Board Member DiSalvo stated maybe they could purchase some of that and maybe they would interested in that.

Mrs. Ryan stated is right there and that is just about where the wetlands end.

Ted Kozlowski stated that is wetlands, since we were on there.

Chairman Rogan stated oh that's right. That is a big wetland there, that we walked it.

Ted Kozlowski stated that is all part of DP-22 the Great Swamp.

Chairman Rogan stated okay, do you want to talk about any site plan issues now that we have beaten the heck out of the wetlands.

Mrs. Ryan stated well we want to get read from everybody on the Board, I know how you feel.

Chairman Rogan stated irate.

Mrs. Ryan stated about the subdivision.

Chairman Rogan stated its time to speak up as to what everybody is thinking.

Board Member DiSalvo stated I just wish there was another way to access that property from an adjacent property.

Board Member Pierro stated I would be willing to do the subdivision if we could gain access through an adjoining property through the FROGs lot.

Board Member DiSalvo stated but the FROGs lot doesn't join.

Rich Williams stated when you are saying access you are talking about.

Board Member Pierro stated pedestrian only.

Mrs. Ryan stated Mr. Raveson (inaudible) he has a parcel on the other side NYSEG, he has one over here.

Board Member Pierro stated or open space, absolutely and I think Dr. Utter, who you met with.

Mrs. Ryan stated NYSEG is right here.

Board Member Pierro stated expressed some interest in that rear lot, so that may be the avenue.

Mrs. Ryan stated what is that.

Rich Williams stated there is probably way to do it, I don't want to negate the whole idea, just remember that in between Mr. Raveson's two parcels is a NYSEG right of way.

Board Member Montesano stated the power lines.

Rich Williams stated a fee simple ownership so they would need to access this piece to get an easement for NYSEG cross over.

Mrs. Ryan stated which has been done.

Rich Williams stated yeah, yeah, I don't want to, I just want to make you aware of that.

Board Member Pierro stated you think that is possible.

Chairman Rogan stated what type of access Rich.

Board Member Montesano stated yeah, its been done before.

Board Member Pierro stated pedestrian access.

Rich Williams stated yes.

Chairman Rogan stated oh okay, alright.

Board Member Pierro stated pedestrian access and I know that there also may be an opportunity for the state of New York to be interested in that parcel only because of pedestrian access and working with us.

Chairman Rogan stated you mean DEC.

Board Member Pierro stated I am working with Dr. Utter on an offer grant to acquire property in Patterson and once an offer grant is obtained the DEC has taken it off the nature conservancy's hands.

Chairman Rogan stated but the specific question we had, so that we keep this back to.

Mrs. Ryan stated is how everybody feels about the subdivision.

Chairman Rogan stated is how everybody feels about the subdivision, we've got two different aspects, one is what you are talking about, pedestrian accessibility for passive recreation, the other is if you would be in favor of moving forward with this subdivision if the only vehicular access was through a wetland or sensitive area. I think those are the two that we are kind of struggling with here or looking for some kind of feeling from the rest of the Board.

Board Member Montesano stated alright, I'm, if it going to be a two lot subdivision they have to prove to me that they have access to that property for a vehicle to get in there. If it going to be for passive recreation and they can get access for people to walk through and all the necessary right of ways, then I will go along with it that way. Right now as it stands, at this point in time I am not ready to approve anything, as much as I would like to, I can not see approving a landlocked piece of property with no access.

Chairman Rogan stated so I can make sure we are clear, access that would need to go through a wetland.

Board Member Montesano stated right.

Chairman Rogan stated okay. And we are talking about vehicular and not pedestrian.

Board Member Montesano stated in other words you are going to list that as a commercial property, if it is going to be listed as the possible use of commercial property, I want to be able to see a roadway put in there, a driveway put in there and not through all the wetlands either.

Chairman Rogan stated okay.

Board Member Pierro stated kidding.

Board Member DiSalvo stated a driveway come up from where, the Tractor Supply property.

Board Member Montesano stated the Tractor Supply property is a separate piece of property.

Board Member DiSalvo stated right.

Board Member Montesano stated this would have to be accessed from [Route] 311 which is the closest road actually that they can get to, into the back of the property without going through a wetland or without having come for a wetlands permit.

Chairman Rogan stated okay.

Board Member DiSalvo stated I kind of agree with Mike.

Chairman Rogan stated okay, Charlie have you chimed in on this one.

Board Member Cook stated I did.

Chairman Rogan stated okay.

Mrs. Ryan stated okay.

Board Member Pierro stated thank you Theresa.

Mrs. Ryan stated are there site plan issues that you wanted to discuss.

Chairman Rogan stated it must be but it just seems like this is a much bigger issue. Oh boy. Hey we already did the site inspection on this didn't we.

Board Member Pierro stated yes.

Chairman Rogan stated let's not do the subdivision classification yet.

Board Member Pierro stated we can classify.

Chairman Rogan stated no we can't because we are not sure what the heck we are doing here.

Mrs. Ryan stated we are not sure if there is a subdivision or not.

Board Member Pierro stated oh okay.

Mrs. Ryan stated I guess it is too soon for you to declare your intent.

Chairman Rogan stated yeah.

Board Member Montesano stated are you going to Amenia or something.

Ted Kozlowski stated Shawn did you ask about the (inaudible – not using microphone).

Chairman Rogan stated do you want to speak up.

Ted Kozlowski stated (inaudible).

Chairman Rogan stated well remind me of what we were talking about.

Board Member Montesano stated I don't like the way the island is set up.

Mrs. Ryan stated what.

Board Member DiSalvo stated have there been (inaudible).

Chairman Rogan stated oh, that is who the gentleman is here.

Board Member Pierro stated yeah.

Chairman Rogan stated I'm sorry sir, what was your first name.

Mrs. Ryan stated David.

Mr. Ede stated David Ede.

Chairman Rogan stated yes.

Mr. Ede stated its nice to be down here in balmy Patterson, we were leaving a foot of snow this morning.

Chairman Rogan stated one of the reasons that the Planning Board had requested that someone in your position come to the meetings is because whenever we get a Home Depot or any kind of business that is nationwide, they tend to want to build to their out specifications, of course we have had these conversation. We have see some interesting architecture and we have seen the cook cutter rendition, the one that is of course the easiest for your guys to build, what we are wondering is, how flexible Tractor Supply will be with say the type of the building.

Ted Kozlowski stated the aesthetics.

Chairman Rogan stated we would like to at least move towards something that is at least a little more indicative of the character of the community.

Board Member DiSalvo stated the farm look.

Mr. Ede stated I am in a position to speak to that because I've probably been through this a couple dozen times.

Chairman Rogan stated I'm sure you have.

Mr. Ede stated so long as the design criteria that the Town gives us a direction that they want, doesn't interfere with the functionality of the overall site plan, the floor plan within the building and the side yard display areas, Tractor Supply is more then willing to work with the Town in that regard. After tonight I see that we have, just like you said bigger issues then that.

Chairman Rogan stated bigger issues.

Board Member Pierro stated could you possible come up with some renditions of new construction that you've done, I'm not talking about retrofits but new construction that you've done with more a colonial barn type nature.

Mr. Ede stated well I can tell you that Mr. Ravenson I guess had gotten some feedback.

Board Member Pierro stated right.

Mr. Ede stated that you folks, some of you have seen the New Milford store, okay.

Chairman Rogan stated I have not.

Mr. Ede stated I guess that got a thumbs down, so I can show you a couple others that we've done in colors other then white with different roof lines, again it is a little difficult because there are certain things that are nonstarters with Tractor Supply, they can't have windows because the interior walls are all product and the sidewalk displays. In fact I don't know how many of them you've seen with the prototype but I brought a bunch of pictures of the prototype because I know there were some questions last time regarding handicap access and display areas.

Board Member Montesano stated you got the one in York.

Mr. Ede stated you can pass it around, pardon.

Board Member Montesano stated you got the one in York Pennsylvania.

Mr. Ede stated I do not but this one is the east Syracuse New York store. I know that display shows up on the site plan but these sidewalks are wide enough for both handicap and pedestrian access.

Ted Kozlowski stated there are no windows on this building.

Mr. Ede stated just in the front vestibule.

Ted Kozlowski stated so it is a block.

Mr. Ede stated yes it is.

Chairman Rogan stated Rich, acknowledging what the gentleman said about can we lead him in a direction because that has been a concern when you go with many projects, we are not architects and so its you hate to waste peoples time, you don't want to cut them loose and say go design something because its easy for us to say well that's not quite what we had in mind, well what did you have in mind. Is there any way that as we progress with this, that we can steer them in the right direction, are there.

Rich Williams stated well we certainly can get you know an architectural consultant to give us some suggestions.

Chairman Rogan stated that would be a good idea on this. We did mention to the owner, right around the corner, New England Equine property, something real close by to look at, that has been commented on very

nicely by the public and seems to fit into the character of the community. Take a look at that and you've got a real great starting point, it is a quarter mile from this site, right.

Mr. Ede stated where is that located.

Chairman Rogan stated right on [Route] 22.

Mr. Ede stated on [Route] 22.

Chairman Rogan stated go out and make a right and it is one of your first businesses, it is a veterinary hospital.

Rich Williams stated let me ask the question though, if we come up with an alternate design or something attractive, David are you in a position to approve that.

Mr. Ede stated anything like that would be sent to Nashville, Tractor Supply's architects would look at the design and try to create the same functionality that their prototype has using your design, then it has to go back to the owner because he is the that is going to foot the bill.

Rich Williams stated right.

Board Member Pierro stated I thought that we had reached out for the Albany concern, Van Voorhies, Liscum, McCormick.

Rich Williams stated they are not in Albany, they are Poughkeepsie.

Board Member Pierro stated I thought that we had reached out them for ideas on.

Rich Williams stated I received no response back.

Board Member Pierro stated oh okay.

Mrs. Ryan stated Mr. Raveson has gotten a flyer from Patterson Crossing and that card had some architectural elements that Mr. Raveson really favored.

Chairman Rogan stated really.

Mrs. Ryan stated he wanted a building that looked like that too.

Board Member Pierro stated excellent.

Chairman Rogan stated let's go with that.

Mrs. Ryan stated I think he was going to give that David, if he hasn't already and he can give that to Tractor Supply people.

Chairman Rogan stated okay.

Ted Kozlowski stated I think you know, just this is in the heart of the hamlet and I think its got to look attractive.

Chairman Rogan stated yeah.

Mrs. Ryan stated just so that you know, a lot of these companies, Tractor Supply and Mavis and all them, those companies, build for functionality, the less they spend on architecture the less their development costs are but as David said Tractor Supply is willing to work with this Board.

Chairman Rogan stated wonderfully.

Mrs. Ryan stated to come up with a nice design that everybody is happy with.

Chairman Rogan stated we appreciate that. Now from those pictures, they do use a lot of outdoor storage, are we going to be able to fit that on this site Theresa.

Mrs. Ryan stated those.

Board Member Pierro stated (inaudible).

Mr. Ede stated (inaudible).

Mrs. Ryan stated the number of storage areas are all shown, the areas in the front and along the back.

Chairman Rogan stated hold on one second.

Board Member Montesano stated cease.

The Secretary stated okay.

Chairman Rogan stated okay, I'm sorry.

Board Member Montesano stated now you can go, thank you.

Mrs. Ryan stated yup, as I said the concrete hashed areas in the front here, there are four of them that show the display areas and there is also an equipment display area that is shown on the plan on the north side of the parking lot.

Board Member Pierro stated David if you know if that store in Syracuse was a new construction or a retrofit.

Mr. Ede stated that is the same prototype that Tractor Supply that wants to put there, that is one year old, it's a new prototype.

Board Member Pierro stated so tipping the roof line to rear in the front of the building.

Mr. Ede stated no that is a very interesting thing that you, the front peak of the building is a little over 21 feet and then rear wall is about 18 feet 6 six to create obviously a slope for water.

Chairman Rogan stated oh.

Board Member Pierro stated right.

Mr. Ede stated we have tried in the northeast and as a matter of fact some of the architects have tried to keep a consistent roof line from front to back and Tractor Supply has resisted to the point of not going with it because what that does if it creates the need to interior drains, gets in the way of the floor plan, not starter.

Board Member Pierro stated in the rear interior space of these buildings is full ceiling height so that they can stack equipment for storage inside.

Mr. Ede stated there is very little storage back there, it is a managers office. The actual retail floor encompasses all but about 3,000 square feet of the floor of the interior of the building and the rest of it you've got the restrooms and the managers office and a loading area.

Board Member Pierro stated okay.

Chairman Rogan stated does anybody have anything else.

Board Member Pierro stated that's it.

Chairman Rogan stated everybody looks exhausted.

Board Member Pierro stated yup.

Chairman Rogan stated sure, give them to Rich for the file. Thank you, thanks Theresa.

Mrs. Ryan stated thanks you.

Chairman Rogan stated thank you, we appreciate your time.

Mr. Ede stated thank you.

8) WATCHTOWER SITE PLAN – SEQRA Scoping Document Discussion

Mr. Rich Eldred and Mr. Kent Fisher were present

Chairman Rogan stated okay, where are we at, Watchtower site plan. Good things come to those who wait I suppose.

Mr. Eldred stated pardon me.

Chairman Rogan stated I said good things come to those who wait, you're patient enough.

Mr. Eldred stated oh.

Board Member Montesano stated Mr. Eldred, now you've been (inaudible).

Chairman Rogan stated how are you Rich, could you please state your name for the record.

Mr. Eldred stated Richard Eldred and we do have Kent Fisher from Watchtower as well.

Chairman Rogan stated now, Rich we first spoke about this project back in 2002, I think it was.

Board Member Montesano stated yup.

Chairman Rogan stated and we had done a site walk at that time with both Boards, I remember. Remember I mentioned the audio/visual, it is part of this application, it is a small component.

Rich Williams stated yeah.

Chairman Rogan stated but that is what I remember was the audio/visual building and they said that has already been constructed but I do remember being on site. Charlie was not on the Board and Maria, you did not do this site walk.

Board Member Montesano stated no.

Chairman Rogan stated and Lars from Zoning was not on, was Marty.

Rich Williams stated Marty was on the Town Board, I don't remember if the Town Board went.

Chairman Rogan stated he wasn't there, so we have a few people that we probably we would need to schedule another site walk at some point in time. But correct me if I'm wrong, the purpose of you being here tonight is just for the scoping document which was previously adopted and we want to see if there were any additions or changes that the Board saw that needed to be made to that document. As most of our scoping documents are they are pretty comprehensive in nature, they leave a lot of things that obviously need to be explored and looked into. Does anyone on the Board see anything with the document or did they see anything that needs to be adjusted or spoken about.

Board Member Cook stated not having been on previously as you mentioned and then reading this document plus with Rich's update, I mean it seems very comprehensive to me, so.

Chairman Rogan stated yeah.

Mr. Eldred stated we agree.

Board Members laugh.

Board Member Cook stated did you see Rich's comment.

Mr. Eldred stated he has sent us a copy, there are a couple of minor typos, I don't know.

Board Member Pierro stated no.

Mr. Eldred stated whether to just give them to Rich and kind of work those out.

Chairman Rogan stated Rich typed up a copy of it.

Board Member Cook stated (inaudible). Michelle.

Chairman Rogan stated it is content not typing right, Rich. Does anyone have anything.

Board Member Montesano stated no.

Chairman Rogan stated Gene do you have anything that you.

Gene Richards stated I haven't looked at it

Chairman Rogan stated no, okay, Gene if you find anything you need added, we'll.

Gene Richards stated well you are going to have a scoping session, you're not.

Chairman Rogan stated we did it.

Rich Williams stated its done.

Mr. Eldred stated it is still essentially the same, Gene, as when it was originally adopted and we just thought that we should come in. The minor thing I noticed was the 72 hour pump test, it just needs our name on.

Rich Williams stated its already been done.

Mr. Eldred stated already been done, okay, good. On page 13, it has a New York City reference to the stormwater design manual, I think it is supposed to be New York, NYS, at the bottom of page 13.

Chairman Rogan stated oh yeah, yeah New York State Department of Environment Conservation.

Mr. Eldred stated yes and it is just minor things. The very top of page 8 the word and should be probably any.

Chairman Rogan stated doesn't anybody have a pencil sharpener in here, you know what I mean, sharpen your pencils.

Mr. Eldred stated I think for what we received this was excellent, well put together just, I would have had the same thing if I was trying to add a few things to it. And on page 22 under the irretrievable commitment thing, it makes reference to section two and I think there was a slight renumbering so it probably should be section three there, it just.

Chairman Rogan stated okay. The, we are not at the point yet, the comment that Gene had spoken about in regards to the FEIS and the way that the document was set up that was in order to tie comments from the public and the agencies into the responses, correct.

Rich Williams stated yes.

Chairman Rogan stated I just want to make sure that we get that at the right time here, that we get that incorporated so that it's from the beginning but that is not right now.

Rich Williams stated what he is talking about is that we got a whole series of comments in about the DEIS and then generally you are going to prepare the FEIS to address those comments.

Mr. Eldred stated that is correct.

Rich Williams stated that the comments that we get in on the draft should all be somehow uniquely identified like number and those numbers should then be related to the responses so that we can go back and pick out all of the comments and check and make sure that they were all addressed.

Mr. Eldred stated that they were all addressed, yeah.

Rich Williams stated I think I did put Gene's comment in about having tabs in here.

Mr. Eldred stated sometimes from the different agencies you'll have the same type of comment and when we did the last one going from the DEIS to the FEIS, we would group those together and we would reference the different agencies that had submitted comments that we were addressing or answering, you know. So we can do that, we will probably could get some additional input as we go along as we are starting to get it together and make sure that everybody's comments do get addressed.

Chairman Rogan stated okay.

Mr. Eldred stated there is on page five there is reference to road networks surrounding this site and I was trying to think if that is the circular drive that is on the site or are we talking about Route 22 and the other roads, public roads that serve this site.

Rich Williams stated I am going by memory, I think it's the offsite roads, not the (inaudible).

Mr. Eldred stated the off site okay, that would be addressed in the traffic that we would be doing, yeah which that is fine. On page eleven it talks about the topography at the project site, when we did our original FEIS we described the topography of the entire property and the project site itself is on say about an area of ten acres or something like that. Would we be addressing that topography or do we include the original addressing of the entire topography on this, we are not changing the other topography its just.

Rich Williams stated probably would as a narrative address the overall very briefly and then go right into the specific area.

Mr. Eldred stated the specific area that we are dealing with, that makes sense. I think that is the questions I had, I don't know if Kent had any additional, no, okay. Joel Hire has also been looking through it at the same time but I think that it is primarily it and we understand that we still can come to Rich Williams to ask additional or specific questions.

Board Member Pierro stated absolutely.

Chairman Rogan stated we'll give you his home phone number.

Rich Williams stated that is easy, its 878-6500.

Chairman Rogan stated see, that, that's true, that's true.

Board Member Montesano stated he subleases.

Gene Richards stated excuse me Rich, Shawn.

Chairman Rogan stated sure.

Gene Richards stated page eleven where you were just talking about the topography and the slopes and the analysis.

Mr. Eldred stated right.

Gene Richards stated if I could make one change Rich, it should be zero to ten, ten to fifteen, fifteen to twenty-five and then greater than twenty-five, just so there is no.

Rich Williams stated I actually just changed it that way.

Gene Richards stated well this leaves a gap of one percent in between these.

Chairman Rogan stated yeah.

Board Member DiSalvo stated that's right.

Chairman Rogan stated ten and half slopes won't be captured.

Board Member DiSalvo stated (inaudible).

Rich Williams stated you go zero to ten, eleven to fifteen.

Chairman Rogan stated what about the ten and a half.

Board Member DiSalvo stated what about the ten and a half.

Board Member Pierro stated about fifteen and a half.

Mr. Eldred stated we'll cover it.

Chairman Rogan stated you want to say like 10.1.

Board Member Pierro stated eleven.

Chairman Rogan stated anything else.

Gene Richards stated no just.

Chairman Rogan stated from the Board, can we get a motion to approve the amended document dated December 6th.

Board Member Montesano stated so moved.

Chairman Rogan stated can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay.

Mr. Eldred stated thank you for time.

Chairman Rogan stated thank you for your patience.

Mr. Eldred stated not at all.

Chairman Rogan stated this was a long evening for all of us.

The Secretary stated and we are not done yet.

Chairman Rogan stated and we are not done yet.

9) GEORGE APAP INC. SITE PLAN – Initial Application

Mr. Joe Mansfield of JFM Architect and Mr. George Apap were present.

Board Member Pierro stated okay, George is here.

Chairman Rogan stated yes.

Board Member Pierro stated Ted where have you been, you been writing on her desk again.

Ted Kozlowski stated well you should have seen what I did to it.

The Secretary stated I don't want to know what you did.

Ted Kozlowski stated Richard, nice seeing you.

Board Member Montesano stated okay, take it home.

Chairman Rogan stated good evening sir.

Mr. Mansfield stated good evening how are you doing tonight.

Chairman Rogan stated good, your name please for the record.

Mr. Mansfield stated yes, my name is Joe Mansfield, I'm the architect representing George Apap, Inc. Mr. Apap is a painting contractor located 1278 Route 311. Just to give you an idea of the site location, this is Route 22 and the intersection with Route 311 and the Mobil is located right on the corner here and we are the lot right next to that adjacent to the retail center that has Smokin' Wheels and the liquor store and so forth, the A & P Center is back here and the project that you just heard from Tractor Supply, is located here. The site is approximately half of an acre in size, it is located in the C1 zone district, the property is defined by existing boundary or buffer planting along this edge here and along this edge here which will remain intact. There are currently three existing structures on this site, the existing two-story office building will remain and there are two existing sheds, on which is an existing shed and one which is a metal container, we are proposing to remove from the site and replace that with this two-story detached accessory garage located in the northeast corner of the property. The accessory structure is located based on the zoning setbacks for accessory structures, we are required a forty foot front yard setback, defined by this red line here, a twenty foot side yard and thirty foot rear yard setback. The building would be located approximately eighty feet from the front yard, twenty-one feet from the side yard and thirty-one feet from the rear yard. We are required to have seven parking spots on the, actually six parking spots and one loading space, therefore we are proposing to provide seven parking spaces in the front of the garage, three of which will be located directly in front of the garage, the other four will be located along the edge here, one will be a handicap parking space with a handicap aisle along here, we are increasing the paved area in this area to accommodate that parking and additionally providing some additional paved area over here for back up space and a dumpster enclosure or dumpster area with a six foot high painted stockade fence enclosure along there. Additionally we are currently proposing some stormwater management systems on the north and east side of the structure which Rich has made some comments to that we can discuss and/or address in the coming months. The project, the building, let's talk about that a little bit, as I mentioned before the building is a two-story garage, the first story will be garage storage for trailers, overnight vehicle parking and so forth with three overhead garage doors facing the front, the second story will be a storage area, the architecture we focused on, primarily looking at the existing structure that is there, I can show you some photographs of that. These are photographs taken in August, the intent is to match the style and color of the building with clapboard siding, wood painted trim, asphalt singles and then the although it is a two-story structure, we are looking to do is break up this façade somewhat with this large gable roof. One of the elements that we have that is a necessity here for storage is we have a hayloft door there that will actually be useable for our particular storage needs. There will be three decorative overhead garage doors and a hayloft door that face Route 311 and above those will be architecturally appropriate gooseneck lights with light shields on them to prevent the spread of light onto the neighboring properties. In addition to that on the sides and rear of the property or rear of the building we are going to have some additional windows to let natural light into the space.

Chairman Rogan stated Rich, any problem with the size of this building as an accessory to the main building, does that come into play at all.

Rich Williams stated it is a commercial site.

Chairman Rogan stated so commercial it doesn't apply, so it goes residential.

Board Member Montesano stated (inaudible).

Rich Williams stated residential we had an issue but its not.

Chairman Rogan stated fair enough, thank you.

Rich Williams stated sure.

Mr. Mansfield stated to that point we have an impervious coverage of 29 percent where 65 percent is allowable, the building height we that are allowed to be is 35 feet and we are 28 feet.

Board Member Montesano stated one question, that little black top apron you've got for backing up, where the dumpster is going to be.

Mr. Mansfield stated yes.

Board Member Montesano stated would that be better off being a gravel spot, rather then black top.

Rich Williams stated why.

Board Member Montesano stated well to me you've got the dumpster there, the drainage, if you want it on the black top running out to the road or at least get it separate and it would be less black top to me.

Board Member DiSalvo stated my experience with that because I have dumpster for my farm until I get it concreted, when the dumpster gets pulled that back wheels kind of dig into the item four.

Chairman Rogan stated sure.

Board Member DiSalvo stated then I have to go over and kick it back and level it out.

Mr. Mansfield stated certainly the dumpster will be on a concrete pad, we are proposing pavement at that turn around primarily for runoff but also for snow removal, if you've got gravel there the first time the plow goes through it is all going to be in the neighbors yard.

Board Member Montesano stated no problem, it was just a question.

Chairman Rogan stated what's that.

Rich Williams stated can't even be black top, the dumpsters they dig in.

Chairman Rogan stated they melt right in.

Board Member DiSalvo stated (inaudible).

Rich Williams stated don't get silly on me.

Mr. Mansfield stated these are the initial photographs if you want to just pass them around, there was a more current picture taken yesterday I believe, you get a sense of the buffer planting.

Chairman Rogan stated it looks pretty familiar.

Mr. Mansfield stated you can also see those existing accessory structures there.

Board Member DiSalvo stated can you go over the front of the building there as it laid out in the parking lot there, you said you had parking spaces in front of the building.

Mr. Mansfield stated sure, this is the detached garage here, we've got three parking spaces located in front of the garage here, one of Rich's comments and I will address that now. Is that the locations of the overhead doors are roughly where my thumb is here, here and here, the spaces are not aligned with the garage, somewhat purposefully, what we have done is we tried to adjust it to hold over as far over under the edge of the existing macadam as possible to limit the amount of disturbance that we have along this edge for parking. The logic being that these bays are only going to be accessed early in the morning and in the evenings when people aren't parked there for the most part there's not that many people that park on this site for the most part they will be parking in this general area here and it's all employees who are in the building at the time so it is certainly easy to move the vehicles if necessary to accommodate whatever access they may need in and out of that garage. But I certainly if, to Rich's point if we had to adjust these, I think that it would probably impact another eight feet of this area here, right now it works out nicely that we can tie our asphalt curb into the existing retaining wall if we had to, we could certainly extend it in a little bit and accommodate that need. I think for Mr. Apap's use it is really not a significant issue for him, whether or not those spaces line up with the actual bay.

Board Member DiSalvo stated at one point maybe the cars would block the garage doors, so how does that fit into the fire code on that.

Rich Williams stated that I don't know, we will have to look at the fire code.

Mr. Mansfield stated we could certainly run that by David.

Chairman Rogan stated either case, you what you are saying is that the parking spaces in front of the bay doors, obviously have to be vacant otherwise you can't get vehicles in and out, so you showing parking in front of a garage door.

Board Member DiSalvo stated have we ever had that occur before.

Board Member Montesano stated yes.

Board Member DiSalvo stated okay.

Board Member Montesano stated just trying to tell you what it is.

Chairman Rogan stated Charlie, it's after 10 o'clock, sorry. Rich's point is that they are not aligned, that the bay and the spot isn't aligned and that alignment would at least then if one space is open but if they are offset you potentially would have to move two cars for one bay.

Rich Williams stated I wasn't even looking at, I was just looking at the access issues not even the parking issue, the parking in the garage because they are now showing it as parking spaces, so I don't care what they do in the garage.

Board Member DiSalvo stated right.

Chairman Rogan stated right, right.

Rich Williams stated but just to get into one of the bay doors you are going to have to move two cars, it is somewhat inconvenient.

Chairman Rogan stated right.

Rich Williams stated it looked like there was a little bit with a little bit of adjustment you could just shift the blacktop over and just (inaudible).

Mr. Mansfield stated it could be done yes.

Chairman Rogan stated okay.

Rich Williams stated is it a tremendous issue for me, no just put them inside.

Chairman Rogan stated yup, sure, we definitely want to, even though we have seen the pictures and we've all driven by it, but I think to get out and get a sense of how this building fit into the lot and grading issues, if you could put four corners of the building staked.

Mr. Mansfield stated that has been done.

Chairman Rogan stated oh it has.

Mr. Mansfield stated yes.

Chairman Rogan stated then we can get out and take a look at that and I like the architectural that you have already, the building the way it is now, it looks fantastic and we've told Mr. Apap that, that we really like the job that they did there.

Mr. Mansfield stated they did a great job.

Chairman Rogan stated with that so if this ties with, if the new building ties in with the old I think it is going to look fantastic.

Board Member Montesano stated who will be the painting contractor.

Mr. Mansfield stated I think he'll dig someone out.

Chairman Rogan stated yeah.

Board Member Montesano stated don't even say that.

Chairman Rogan stated I don't have anything else for tonight, do you guys want to discuss the memos or bring up something.

Board Member DiSalvo stated can we look at it.

Mr. Mansfield stated I will certainly look with Mr. Williams to get those resolved.

Chairman Rogan stated great.

Board Member Pierro stated okay.

Mr. Mansfield stated so there will be a site walk, any reason for negative declaration, any opportunity for that tonight or to.

Chairman Rogan stated let us go and take look at that.

Mr. Mansfield stated and schedule a public hearing at a later date.

Board Member Pierro stated yeah.

Chairman Rogan stated yeah.

Board Member Pierro stated next month.

Mr. Mansfield stated okay.

Chairman Rogan stated and we'll go from there.

Mr. Mansfield stated thank you very much.

Chairman Rogan stated thank you. We were ready to say wait a minute, wait a minute.

Rich Williams stated not everybody said wait a minute, wait a minute.

Chairman Rogan stated yeah.

The Secretary stated you are going to be heading toward a third tape here.

Board Member Pierro stated it will be a record.

10) BEAR HILL ESTATES RESUBDIVISION – Initial Application

Mr. Robert Cameron of Putnam Engineering was present.

Chairman Rogan stated Bear Hill Estates.

Board Member Montesano stated blame it on Rob.

Chairman Rogan stated our meetings don't usually see this hour of the evening. It seems like Zoning goes this late routinely but we are not used to this.

Mr. Cameron stated you saved the best for last.

The Secretary stated they cut their meetings off at 10 o'clock, they are done.

Rich Williams stated Zoning, I got yelled at because we set up the agenda that went past ten.

Chairman Rogan stated oh, its Rob.

Board Member Montesano stated well you are going to get yelled at.

Mr. Cameron stated Robert Cameron from Putnam Engineering.

Board Member Pierro stated okay Rob, let's go.

Mr. Cameron stated representing the applicant Bear Hill Estates, this project is a two lot subdivision, it's the subject of a previous subdivision that was before this Board which final approval was granted maybe two months, maybe not even. What we have here is one of the original lots from that subdivision, it is an eight acre parcel and we are proposing to divide that parcel into two parcels. This was originally shown on the original subdivision plan that we had submitted then we got involved in the roadway issue and subsequently the subdivision was changed to represent the dedication of the roadway to the Town and we got a non-jurisdictional approval so we are back here before the Board for dividing this lot into two lots which will require jurisdictional approval from the Putnam County Health Department.

Chairman Rogan stated we had obviously some questions and comments the last time around with this lot, I know the neighbor addressed concerns about the layout for the driveway for lot one, what you have shown as lot one. Do you think that we can shift the driveway, even if it is just the way that the driveway connects to Bear Hill Road so that the lights aren't.

Mr. Cameron stated yes.

Chairman Rogan stated shining right, that seems like it would be doable.

Mr. Cameron stated if you look at the map that I have up here, I have some colors sketched on that plan.

Chairman Rogan stated okay.

Mr. Cameron stated and basically, initially what I really want to do is not to spend a lot of engineering time redesigning everything, I just basically took everything that was on the previous plat and just put it on this because I wanted to get here, minimize engineering work and get the Board's comments. I do realize that those were still outstanding comments those are addressable.

Chairman Rogan stated great.

Mr. Cameron stated as you can see what I can do is I can wiggle this road a little bit, now I haven't done the grading but I will look at that and get this a little bit further up and that is probably the best that I can do is to move that up probably about twenty-five feet or so.

Chairman Rogan stated I think that will probably will do it though.

Mr. Cameron stated yeah and I think one of the other comments was having a turn around, I can easily get Rich's comment about the turn around at the top and I completely understand that you don't want to back down that driveway in the winter.

Chairman Rogan stated oh yeah.

Mr. Cameron stated that can be accommodated over here, we already have grading over there, it might just mean that we might wind up putting a wall over there.

Rich Williams stated Anthony and I were just talking, because it may not be as big of an issue because now that you have subdivided the road and the Town has never taken ownership of the road, you know, its road, you can do what you want with it. But that brings an issue about you needing to post a snow bond for when you file that road this year.

Mr. Cameron stated which road is that, this one.

Board Member Pierro stated I think he is kidding you.

Rich Williams stated Bear Hill Road.

Mr. Cameron stated Bear Hill, oh okay, he is kidding because I don't want my client over there to have a heart attack and fall on the floor over there. And this one, originally that was placed at that location because I needed to be far away from the septic system and I didn't want to have a turn around there but what I can do is I can move this house up and that was one of the comments that you had before is we didn't want to get that house too close to the property because of decks and all like that. I will work with this, there is a little bit of wiggle room there, this is very tight, this lot, as we know but I will adjust that, the issue of the garage, no this house is different because this house is at a much high elevation, I was actually planning on coming underneath to park almost in the basement level on this house, the garage on this house would be underneath and the rest of it would be built up.

Rich Williams stated our Code still requires a certain number of parking spaces. Three if you don't have a garage, two if you do, so you still need to show the same parking spaces.

Mr. Cameron stated two of those can be if I have a double garage right and one can be in the little turn around, not all three are outside, right.

Rich Williams stated two are outside the garage is one but I have to double check the numbers, after 7 o'clock (inaudible).

Mr. Cameron stated okay.

Board Member Cook stated could you just show the retaining wall would be.

Mr. Cameron stated on this house the retaining wall is right along the driveway and that would continue to be there, I would just shift that over and on this house there is no retaining wall but if I had to do the turn around, I would probably put a retaining wall along the side here.

Chairman Rogan stated hey Rich.

Board Member Cook stated Rich.

Chairman Rogan stated in your memo. Rich, in your memo, just a clarification or typo, I just want to understand what you meant, item seven, it says Patterson's Code requires that the initially twenty five feet of the driveway should not exceed and it says twenty-five feet, is it.

Rich Williams stated no its 50 percent for twenty-five feet.

Mr. Cameron stated I understood what he meant.

Chairman Rogan stated I thought that is what you were getting at, I just didn't want to assume.

Rich Williams stated the issue is where you start that line from.

Mr. Cameron stated I think the designer, typically he picked the center line and he just incorrectly measured off the thirty for the center line instead of the edge of the, it is easy to do, I can fix it.

Chairman Rogan stated okay it is interesting to know that this will be classified as a major subdivision because it is a resubdivision within two years.

Board Member Montesano stated where is the original.

Mr. Cameron stated I guess there isn't any way to.

Chairman Rogan stated I guess not.

Mr. Cameron stated I don't know is there. Go to the Zoning Board, I don't think there is.

Rich Williams stated you have to take the good with the bad or we can go back and do it the other way.

Mr. Cameron stated no thanks.

Rich Williams stated okay.

Board Members laugh.

Rich Williams stated that would be one more step.

Board Member Montesano stated it is much more fun this way.

Mr. Cameron stated the other thing that I want to ask about is, with this we had originally started a wetlands permit application and that can be continued with this, I realize that we never took it fruition, never got a permit for it because we never needed it. But that permit is still open and valid and we can continue that with this application.

Rich Williams stated possibly, I would have to double check, we've never made a determination and the fees have been filed.

Ted Kozlowski stated what are we going Rob.

Mr. Cameron stated well what we were doing down here was this lot two has the expansion area within the 100 foot wetland setback.

Ted Kozlowski stated we made a deal with that Rob.

Mr. Cameron stated yes we did.

Ted Kozlowski stated what was the deal, remind me.

Mr. Cameron stated give up the vernal pool.

Board Member DiSalvo stated yeah that's what I said.

Chairman Rogan stated you're right, the vernal pool is across the street.

Board Member Pierro stated quid pro quo.

Mr. Cameron stated yeah. We gave you basically the lot that was over here that was adjacent to the vernal pool.

Ted Kozlowski stated and that is still one piece, the vernal pool.

Mr. Cameron stated yes, it is resting, its germinating.

Chairman Rogan stated you know it is about compromise.

Ted Kozlowski stated it was a compromise, I remember that.

Chairman Rogan stated yeah, I remember.

Board Member Montesano stated I remember.

Chairman Rogan stated yup, so Charlie has not been to this site.

Mr. Cameron stated that was, that is a comment that was on the last page.

Chairman Rogan stated that Charlie wasn't on the site.

Mr. Cameron stated it says Charlie was not out to site.

Chairman Rogan stated about staking.

Mr. Cameron stated yes.

Ted Kozlowski stated Rob, do we have something on the plat that says that vernal pool, that that area is not (inaudible – not using microphone).

Mr. Cameron stated I guess the approval of the previous subdivision plan with the house in the location and everything where it was. I mean did we put anything specific on that.

Rich Williams stated there is a simple answer and the simple answer is no.

Ted Kozlowski stated no.

Mr. Cameron stated there was never any construction shown in that area.

Rich Williams stated somebody could come in and make an application and still subdivide that.

Board Member DiSalvo stated as the two houses.

Chairman Rogan stated right.

Mr. Cameron stated I don't know, is it large enough.

Board Member DiSalvo stated it is part of the lot with the house.

Chairman Rogan stated yeah.

Ted Kozlowski stated you guys remember there was a lot of discussion back and forth on the vernal pool and we wanted to say that.

Mr. Cameron stated well you just denied our application for a wetlands permit.

Rich Williams stated we would have.

Ted Kozlowski stated or we will.

Chairman Rogan stated okay, so you can get the center line of the proposed drive that you showing there especially with the lot one and the house location, the driveway location, the septic location, it should be pretty straight forward. We will get out there and take a look.

Mr. Cameron stated yes we are going to arrange with Terry Collins to have everything staked.

Chairman Rogan stated beautiful.

Mr. Cameron stated I think the last stakes I'm not sure if they are still there and I don't remember if this lot was ever staked so we will stake it.

Chairman Rogan stated I don't remember either, I remember walking it but I don't remember.

Board Member Pierro stated let's go.

Mr. Cameron stated Tony says he paid for his stakes.

Chairman Rogan stated he did.

Board Member Pierro stated Michelle going to (inaudible).

Rich Williams stated one last quick question.

Chairman Rogan stated sure.

Rich Williams stated have you done any testing with the septic, you know what you are doing there for fill or not.

Mr. Cameron stated yes I do, yes it has been tested, it has been witnessed, we know what we are doing.

Rich Williams stated okay.

Mr. Cameron stated and I will get more detailed, like I did on this one, I will be more detailed information on that.

Rich Williams stated okay.

Mr. Cameron stated for a site walk that has to be scheduled, if you were going to do one we would have to schedule it now with the Board, correct.

Rich Williams stated you stake, we'll arrange it.

Chairman Rogan stated yeah, you don't have to anything except let us know.

Mr. Cameron stated if we have it staked within the next week or two, give you a call.

Rich Williams stated I will do what I can to get them out there.

Mr. Cameron stated okay.

Chairman Rogan stated it sounds like we got quite a few as a result of tonight so we are going to have to start doing some site walks.

Board Member Montesano stated yeah we have to get some quads and snow mobiles.

Board Member Pierro stated yeah we can be up there for the next ten days because you'll get shot up there.

Chairman Rogan stated in fact the last time we site walked this, there was guy walking down the road with a pistol and a muzzle loader, in the snow right off that site, they shoot a lot up there.

Board Member Pierro stated they are hunting like crazy at Woodward's and the adjoining property.

Board Member Montesano stated yeah they get lost in the woods.

Chairman Rogan stated yeah we'll get out there, because this is a pretty straight forward on.

Mr. Cameron stated okay no on SEQR you are not going to do a lead agency thing on this are you and you are not going to have to declare lead agency, are we doing this as unlisted.

Rich Williams stated you have to talk to Board and see what they want to do.

Board Member Montesano stated this is a big subdivision.

Rich Williams stated all you are going to have is the Health Department.

Chairman Rogan stated you are going to have the Health Department and that's it right.

Mr. Cameron stated I am going to check I don't remember if this 500 feet, I have to check that.

Board Member Pierro stated I think you are well over five hundred feet.

Rich Williams stated but it is not going to be 500 feet from the state park.

Board Member Pierro stated oh.

Mr. Cameron stated well from [Route] 311.

Board Member Pierro stated a state park.

Chairman Rogan stated the Wonder Lake.

Board Member Pierro stated Woodward's is in between the end of this road and DeBaerstrand.

Mr. Cameron stated Woodward is right here.

Board Member Pierro stated and then state park happens, correct.

Board Member Montesano stated you've got your overall map there, Rob.

Rich Williams stated this should be Woodward's right in here, coming down like this.

Mr. Cameron stated this is Woodward.

Rich Williams stated that is what I'm saying, this one and this one.

Mr. Cameron stated that is the other lot.

Rich Williams stated oh, you're right, this is Woodward but I think this is the state park.

Mr. Cameron stated is it.

Rich Williams stated I think so.

Mr. Cameron stated because that is Woodward also, I think that's the park.

Chairman Rogan stated I remember from when we were there.

Mr. Cameron stated I'll check that.

Board Member Pierro stated a couple weeks ago.

Mr. Cameron stated so if there is state park does that mean we have to do a lead agency.

Rich Williams stated no.

Mr. Cameron stated oh.

Rich Williams stated it just means that we have to do a 239 M referral.

Mr. Cameron stated okay.

Board Member Montesano stated if you want us to we can.

Mr. Cameron stated no.

Chairman Rogan stated does the Board want to do the classification as a major subdivision on this tonight.

Board Member DiSalvo stated (inaudible).

Chairman Rogan stated it has to be major because of the time frame.

Board Member Pierro stated in the matter of Bear Hill Subdivision, I make a motion that the Town of Patterson Planning Board declares this subdivision a major subdivision.

Board Members Cook, DiSalvo, Montesano, and Pierro seconded the motion.

Chairman Rogan stated we got a second from everybody.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated okay.

Board Member Pierro stated anything to get the (inaudible) over.

Rich Williams stated ready to go home or what.

Board Member Pierro stated yeah.

Chairman Rogan stated yes.

Board Member Pierro stated okay, Gene had something to talk about.

Gene Richards stated no.

Chairman Rogan stated anybody have any.

Board Member Montesano stated can we get through with the rest of this nonsense.

Gene Richards stated I guess you are done.

Mr. Cameron stated am I done, I thought you wanted something.

Chairman Rogan stated yeah I thought there was something else.

Board Member Pierro stated the matter done, get out of here.

11) OTHER BUSINESS

a. Paddock View

Gene Richards stated real quick, Paddock View, we have made progress on stormwater issues, number one stormwater report I have signed off and have had and told Dan Donahue to get a final copy to Rich for his files. On the retaining wall design our office has been working with the wall manufacturer, they have provided calculations, we should get the final plans from them shortly with calculations and that should finish that up, hopefully that will be this month.

Chairman Rogan stated great.

Gene Richards stated Dan Donahue has to work on the water tank design and then he has to do a bond calculation and those will be the last two things.

Chairman Rogan stated great.

b. Forest View Apartments

Gene Richards stated and the other thing was Forest View Apartments, I don't know if you've heard anything about the retaining wall behind building four.

Board Member Pierro stated we discussed it briefly.

Gene Richards stated they've done some investigation out there, they have encountered rock, Harry Nichols has submitted a plan to show a proposal to eliminate the step wall that they had before that you approve and he just want to go up with a straight, not a straight wall, slightly canted.

Rich Williams stated a rock cut.

Gene Richards stated a rock cut, thank you and then above that lay the slope back, it will be a different look the original design had some landscaping in the piers of the wall, that would be eliminated, it would be a high single height to the wall rather than stepping it or terracing it. I guess it really depends if the Board is agreeable with that in concept then Harry can go ahead and revise plans and get them back into you for review and approval.

Chairman Rogan stated right.

Gene Richards stated if you are thinking that you won't approve that or don't like that design then we have to get Harry in here I guess and talk about it.

Board Member Pierro stated my opinion is that I am agreeable to it but we have to see it, we have to see an inspection of that wall to make sure that it is not a loose thing that is about ready to collapse.

Gene Richards stated this is all predicated on the rock being stable that it wouldn't, stop fractures, you wouldn't want pieces falling or something like that.

Board Member Pierro stated sure.

Gene Richards stated one of things that Tom McGinn put a lot of time into this, Ron Gainer has looked at it, one of the concerns that Rich had raised initially was if in the rock cut you hit veins of water.

Board Member Pierro stated sure.

Gene Richards stated and what happens in the winter time and it freezes, you see it along [Interstate] 84 in those rock cuts.

Board Member Pierro stated right.

Gene Richards stated you are going to have big ice slabs that can fall off during freezing and thawing.

Chairman Rogan stated sure.

Gene Richards stated if you have kids playing in the backyard, somebody could get hurt. So there are other safety issues with this, with the retaining wall design that they had, they had drainage behind the wall, that takes away the ground water with this rock face you won't have that.

Chairman Rogan stated that's a good point.

Board Member Montesano stated I'm glad that you got here (inaudible).

Gene Richards stated so.

Board Member Pierro stated what is the process at this point, do they have to pull the soils away from the wall and expose it and inspect it or your guys are going to look at it.

Gene Richards stated they would actually have to cut the wall back to where they would want it, they would do that probably by blasting, I would imagine.

Board Member Pierro stated okay.

Gene Richards stated if it is consolidated rock.

Board Member Pierro stated third tape.

TAPE 2 ENDED

Gene Richards stated what type of construction and what type of rock it was

Board Member Pierro stated okay.

Chairman Rogan stated that brings up an interesting point though, the safety concern about that, I wasn't really.

Board Member Pierro stated yeah.

Gene Richards stated the status, the aesthetics, our office gave you a memo today on it, you probably haven't read it but you can look at it and go from there I guess.

Board Member Pierro stated very good.

Chairman Rogan stated I'm not as concerned about the aesthetics as I am about the safety concern.

Board Member Pierro stated sure and what stops kids using as a repelling rock. Taking peoples clothes lines and.

Gene Richards stated sure.

Rich Williams stated or going up around and falling off.

Board Member Pierro stated right.

Chairman Rogan stated how high up a rock cut potentially could there be Gene.

Gene Richards stated I think it was ten and a half.

Board Member Pierro stated that is not too bad, could still be hurt.

Gene Richards stated if I recall right, that is one of things that we put in the memo too is you could decide if you want some sort of a fence at the top to help prevent kids or somebody going over the edge.

Board Member DiSalvo stated yeah.

Board Member Montesano stated but that means Dave can't go.

Board Member Pierro stated I can go.

Board Member DiSalvo stated what about the wall by the preserve.

Board Member Pierro stated I'm only five foot tall, ten and a half foot wall is about three jumps for me in my web gear, are you kidding me.

Board Member Montesano stated I thought you had that cape on again.

Gene Richards stated with the old design you still have drop off, I think it was a seven foot height for each section, maximum height.

Chairman Rogan stated it was like a terraced.

Gene Richards stated it was terraced, yeah.

Board Member DiSalvo stated they'll be putting picnic tables in the terraced section.

Board Member Pierro stated okay.

Chairman Rogan stated well before we move off that topic, does anybody have any other thoughts on it.

Board Member Pierro stated no.

Chairman Rogan stated no you just want to get done.

Board Member Pierro stated I have a question on another matter but we are done.

Chairman Rogan stated do you guys.

Board Member DiSalvo stated if you've even driven behind Dunkin' Donuts by Home Depot, they have a large wall back there and they had put those ugly grates filled with rock as a wall and then they back filled it with large boulders to prevent the erosion of that hill. I don't know if he could possible do something on a smaller scale for over there.

Rich Williams stated if they are going to do that, why not do the retaining wall.

Board Member Pierro stated right.

Chairman Rogan stated right, yeah.

Board Member Pierro stated they are trying to save money.

Board Member Montesano stated why not.

Chairman Rogan stated they are trying to save money because they have this, they are saying we have this solid rock ledge why put in a retaining wall, we've got a retaining wall we just cut it back to what we need.

Rich Williams stated right.

Chairman Rogan stated I wouldn't have a problem with it as long as it was as we felt pretty darn assured that it is like you said void of a lot of veins and fishers and things that are going to make it but you can only see what you can see though right.

Rich Williams stated you don't know until you get in there.

Gene Richards stated you don't know until you construct the rock face essentially.

Board Member Pierro stated that wall is in the, I don't recall but the surface in front of the wall is that blacktop or grass.

Gene Richards stated it is lawn area.

Board Member Pierro stated yes that's fine, that is better for any drainage that comes off.

Gene Richards stated they actually proposed a drain inlet within that backyard.

Board Member Pierro stated right.

Gene Richards stated run that around the building and tie it into the road drainage.

Board Member Pierro stated very well.

Gene Richards stated and at the top they showed a cut off swale just for any overland flow coming down from above just to redirect that or pass a retaining wall, they are not showing it on this design but we'd want to see the same sort of thing.

Board Member Pierro stated okay.

Chairman Rogan stated Theresa, what did you hang out for, T & T.

Mrs. Ryan stated Green Chimneys.

Rich Williams stated site walk.

Chairman Rogan stated oh, okay.

Rich Williams stated I told you, it was cold there were no comments.

Chairman Rogan stated it was just.

Board Member Montesano stated brr, everybody was complaining.

c. 2008 Agenda

The Secretary stated you have to approve the agenda.

Chairman Rogan stated didn't we do that at the.

Board Member Pierro stated we didn't do the agendas, the agenda and the minutes.

Chairman Rogan stated okay.

Board Member Pierro stated make a motion that we approve the agenda provided at the work session.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

12) MINUTES

Board Member Pierro stated I make a motion that we approve the work session minutes October 25th, any other day.

Chairman Rogan stated there are five of them listed.

Board Member Cook stated October 18th, October 25th, November 1st, November 15th.

Board Member Pierro stated I have an old agenda.

Chairman Rogan asks for a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan stated oh you do.

11) OTHER BUSINESS

d. Frantell Site Plan – Request for Extension

Chairman Rogan stated Frantell we approved a 90 day, if I remember right and Rich pointed out that this brings us to an approval of April, so don't ask for any more extensions until at least March.

Mrs. Ryan stated okay.

Chairman Rogan stated because we are good through then.

Mrs. Ryan stated I'm not coming back for extensions.

Chairman Rogan stated you do, you are batting at 100 percent on them.

Board Member Montesano stated I used to use them myself but they get in the way now.

e. Green Chimneys Site Inspection

Chairman Rogan stated Green Chimneys Site Inspection, the only comments we had were about extending the pavement on the road that is by the maintenance shed, making sure in furtherance of making that a good means of ingress and egress to the facility. The site that is actually for the dormitories is a grass field, so there is not much to really comment on. Can you guys think of anything else, there really wasn't much.

Board Member Montesano stated no.

Board Member Pierro stated no.

Board Member Cook stated just the roadway.

Board Member Pierro stated yeah, just the roadway.

Board Member DiSalvo stated the driveway going up to the drive where the new driveway is, we wanted it extended it up to this.

Board Member Montesano stated we wanted it blacktopped.

Chairman Rogan stated blacktop extended, it turns into gravel about the area of the maintenance shed, it turns into gravel we just want to maintain what a 24 foot, I think it was 24 foot wide up in there.

Board Member Cook stated it was 24.

Chairman Rogan stated yeah, we want to extend that up to the points that are accessed for this project if you can pass it would make sense.

Board Member Pierro stated anything else.

Chairman Rogan stated was that it.

Board Member Pierro stated that's it.

Mrs. Ryan stated at the last Planning Board meeting you declared your intent and you circulated materials. Are the 30 days up yet.

Rich Williams stated probably not.

Board Member Pierro stated check the date on the minutes.

Board Member DiSalvo stated well it is a special meeting.

Chairman Rogan stated we circulated intent to be lead agent and you are saying that we haven't gotten back any.

Board Member DiSalvo stated (inaudible).

Rich Williams stated no we have, I know we've got the dormitory authority back.

Chairman Rogan stated yeah we got that letter.

Rich Williams stated and I think we may have the Health Department.

Chairman Rogan stated nothing to challenge the lead agency, they are saying great take it.

Rich Williams stated nothing from the County.

Chairman Rogan stated they've never challenged us, not on this type of project.

Rich Williams stated it doesn't matter.

Chairman Rogan stated no I know.

f. Paddock View Estates – request for two 90 extensions

Chairman Rogan stated okay, Paddock View Estates.

Mrs. Ryan stated when the 30 days are up (inaudible).

Chairman Rogan stated isn't that done, its been circulated, isn't that done by default, isn't it. I've never declared just intent.

Mrs. Ryan stated can we keep the process going to a SEQR determination.

Chairman Rogan stated let's slow down for a second, where are we. We've done.

Rich Williams stated we've done intent for lead agency, we have circulated notice, we did that after the last meeting, it is unlikely seeing as most meetings are about 30 days apart that the 30 days has expired, so I could sit here and say they haven't but I don't know for sure whether we have heard back from all other agencies but I don't recall seeing anything at least from the County.

Chairman Rogan stated okay.

Rich Williams stated so.

Board Member Pierro stated next time.

Rich Williams stated yeah, I mean I don't have a problem with moving with alacrity.

The Secretary stated thanks.

Rich Williams stated but you know I just don't know if we are a procedural position where we can make that call.

Chairman Rogan stated hey Michelle, I don't think, say that word again.

Rich Williams stated alacrity.

Board Member Pierro stated alacrity.

Chairman Rogan stated alacrity, I haven't heard that word before, so.

Board Member DiSalvo stated Dave knows how to spell it.

Board Member Pierro stated a-l-a-c.

The Secretary stated are you going to send me a spelling Dave.

Board Members laugh.

Board Member Pierro stated I thought that was nice, I sent her the definition of chutzpah.

Rich Williams stated that in itself is the definition.

Chairman Rogan stated right.

Board Member Pierro stated right.

Chairman Rogan stated Paddock View Estate we approved a request for extensions, two 90 days.

g. T&T Associates – Request for Bond Release

Chairman Rogan stated T&T Associates, we talked about them wanting their bond released and we wanted them to come in with a sign, right.

Board Member DiSalvo stated right.

Board Member Pierro stated right.

Board Member DiSalvo stated and we haven't heard anything, have we heard.

Chairman Rogan stated Theresa are you on T&T.

Mrs. Ryan stated no.

Chairman Rogan stated you're not, oh okay.

Board Member Montesano stated we get notified of that.

Chairman Rogan stated does anybody have any other business.

Board Member Pierro stated yes.

Rich Williams stated I've got three minutes left, yeah.

Board Member Pierro stated Tim Miller, any response back on the comments.

Chairman Rogan stated are you antsy.

Board Member Pierro stated any indication on when we are going hear back from this.

Rich Williams stated no sir.

Board Member Pierro stated do you see a need to schedule another meeting to handle this project before the end of the year.

Chairman Rogan stated not considering we haven't gotten anything.

Board Member Pierro stated right.

Rich Williams stated I don't know what their schedule is.

Board Member Pierro stated okay.

Board Member Montesano stated good for them.

Chairman Rogan stated I appreciate your eagerness though.

Board Member Pierro stated well.

Board Member Montesano stated make a motion to adjourn.

Board Member Pierro seconded the motion.

Chairman Rogan stated do you have anything.

Board Member DiSalvo stated what was December 15th, we mentioning, the balloon test for Putnam Lake.

Board Member Montesano stated is that the balloon test going on.

Board Member Pierro stated this Saturday.

Chairman Rogan stated next Saturday.

Board Member Pierro stated no.

Chairman Rogan stated next Saturday, what time.

Board Member Montesano stated next Saturday.

Board Member DiSalvo stated please don't say that.

Board Member Pierro stated oh alright, okay.

Rich Williams stated next Saturday is the balloon test early morning Saturday, I don't think they are going to do a balloon I think they are going to do a crane.

Board Member Pierro stated a crane right.

Board Member DiSalvo stated what time is it going to be.

Rich Williams stated it should be up by 8, I believe.

Board Member Pierro stated anybody up for knocking out a site walk Saturday.

Chairman Rogan stated you are talking about this Saturday.

Board Member Pierro stated yeah.

Chairman Rogan stated you are killing everybody aren't you.

Board Member DiSalvo stated what is staked.

Board Member Montesano stated he isn't going to kill me because.

Chairman Rogan stated nothing is staked.

Board Member Pierro stated one of them is staked.

Rich Williams stated Apap.

Board Member Pierro stated Apap is staked.

Board Member DiSalvo stated what if each one of us passes by.

Chairman Rogan stated there you go.

Board Member Montesano stated I'll tell you what, we'll all go up on the 15th since we are going to the balloon test, we'll go out on a field trip.

Chairman Rogan stated that is a good point, the 15th.

Board Member Pierro stated no.

Chairman Rogan stated you aren't even out on the 15th.

Board Member Pierro stated I'm going hunting.

Board Member Montesano stated because if not I will (inaudible).

Chairman Rogan stated why aren't you able to do it.

Rich Williams stated you are not done don't go away.

The Secretary stated I need your all in favor.

Chairman Rogan stated no I know, I thought you meant you had an additional.

The Secretary stated no I was waiting for your guys.

Chairman Rogan asks for all in favor:

Board Member Cook	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Pierro	-	aye
Chairman Rogan	-	aye

Motion carries by a vote of 5 to 0.

Chairman Rogan asks for any opposed.

The meeting adjourned at 11:00 p.m.